

12th March 1934]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—VOTING OF DEMANDS FOR GRANTS FOR 1934-35.

DEMAND III—STAMPS—RESERVED.

* The Hon. the PRESIDENT :—“ Mr. Basheer Ahmed will continue his speech.”

MR. BASHEER AHMED SAYEED :—“ I was suggesting the other day that the Government should take steps again to examine carefully the recommendations contained in the Taxation Enquiry Committee Report with a view to further increase the revenues of the Government without imposing any further burden on the litigant public. In that connexion, Sir, I would like to suggest to the Hon. the Law Member that, as was done previously when the Government thought fit to revise the then existing scales of fees, judicial as well as non-judicial, it will be in the interests of the Government, as also in the interests of the public, if a similar committee presided over by a competent judicial officer is constituted to examine how best the revenues of the Government could be increased. The last committee to suggest increases was presided over by Sir Norman Marjoribanks and they recommended in almost all cases except one or two that a 50 per cent enhancement might be made. I do not want, Sir, that Government should lose their income; but with a view to augment their revenues, I ask why a committee should not be appointed to go into the whole question afresh and to make recommendations to reduce the incidence of the charge upon the litigant public and at the same time increase the revenues of the Government. I need not go once again into the details as to how the existing court-fee works a hardship on the litigant public.

“ Sir, I wish to make one or two suggestions. So far as the Small Causes Court and the City Civil Court are concerned, the plaintiffs when they file a suit are required to pay the full fees including the summonses fees. Afterwards summonses are served on the parties. It so happens sometimes that before the case comes up for hearing, the case is reported to have been settled. In that case, half fee remission is usually granted. There is a slight difference in the procedure that is followed in slightly different cases. I stated that as soon as the parties come to court and report that the case has been settled, half fee is granted, the Judge recording that the case has been settled. But, if the parties agree to a compromise and want the Judge to record that compromise as a settlement of the case, no half fee is granted. In such a case not only does it work a great hardship on the litigant public but also it develops a tendency in the litigants to keep the Government out of the income that it would otherwise naturally derive. If it is a case of compromise out of court, and the compromise being only recorded by the court itself, it makes no difference whether the court simply writes that the case is settled or records the full compromise. If the City Civil Court Act is slightly amended and the Presidency Small Cause Court Act also is amended so as to enable remission being granted even when compromises are recorded by the court, I consider that there would be a further source of income to the Government. Unless and until this

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rule of remission of half fee is relaxed so as to enable parties to have a good compromise recorded in court instead of settlement outside, it will impose hardship on the litigant public. If these settlements can be recorded without any detriment to the remission of half fee, there will be a larger number of suits filed, because the tendency nowadays for litigant public is to regard compromises as a mere settlement, which does not satisfy the parties. But, if the terms of the settlement are to be recorded by the court, it increases the confidence of the parties concerned. Although it discourages them from further litigation, I consider that a slight amendment of these two Acts is necessary to make the parties go to court for getting their points of difference finally settled by the court. After all the work involved by the court is not much. It does not take more than a few minutes for the terms of the compromise to be recorded. And, in many cases the terms of the compromise happen to be almost signed and agreed to by the parties concerned and those things are to be merely filed in the court and then the order has to be made that the settlement as per terms of the compromise filed, has been come to. That is one aspect, Sir. With regard to the other aspect I was saying that there are cases, which took days, weeks and months together and those that took only a very short time. There ought to be some difference made between cases, which engage courts for a longer time and those that engage the courts for a shorter time. In such cases those who engage the court's time for a longer period ought to be made to pay more than those persons who engage courts for only a shorter period.

“ Leaving this, Sir, I would like to ask the Hon. the Law Member as to what effect there is going to be on account of the abolition of the unified stamp system and what the position of the Government would be when the Government of India are going to discontinue their contribution to this Government? Do the Government realize that by the abolition of the unified stamps the ignorant public are going to be greatly inconvenienced. They will not be able to make distinctions between revenue stamps and postage stamps. Even as it is, when the revenue stamps have to be affixed, mere postage stamps are affixed and documents become useless and void on that account. If that distinction is going to be maintained rigorously between the stamps for postage and those for revenue, very few people indeed know exactly what the difference is and it will not be possible in all cases, when ignorant people are concerned, to discern between the revenue and postage stamps. The print on the stamps is not in Tamil, Telugu, Urdu or any other vernacular language but only in the English language. Very few people in the village and mufassal parts know English. Whatever the difference in the design and the colour, they will not always be kept in mind by the mufassal public. It will, therefore, be necessary to make the public fully aware of the difference between these two types of stamps, and before it is brought home—even if it is brought home—there is always the possibility of confusion. I would like to know what exactly the policy of the Government is in this regard and how the 8.84 lakhs are going to be made good.

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“There is another point, Sir, with regard to which frequent complaints, both in the Presidency town and also in the mufassal parts, exist. At a time when stamps are urgently required, the stamp-vendors are not always available or they do not possess sufficient quantity of stamps for ready supply to the litigants. There is a great need for increasing the number of stamp-vendors and also for supplying them with larger quantity of judicial and non-judicial stamps and papers. I would request the Hon. the Law Member to examine this question particularly with regard to the Presidency town and more particularly with reference to stamp-vending for the criminal courts. The Presidency Magistrate Court in Egmore and Georgetown have no stamp-vendors and the litigant public are being put to great inconvenience and they do not know where exactly stamps are sold. I would request the Hon. the Law Member to consider the necessity and desirability of appointing one or two stamp-vendors for the criminal courts of the City and also to increase the number of stamp-vendors wherever the need is felt.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“Mr. President, Sir, I wish to point out that there are some defects in the Stamp Act, which causes hardship to the people. For example, testaments do not require to be stamped. Some documents of this nature, on account of the defect in the Stamp Act, are charged different stamp duties by different registration officers. In the case of testamentary wakfs some registration officers have registered them without requiring stamp duty, some with a reduced stamp duty and some have charged the full duty of a conveyance. This is all on account of the indefiniteness of the provisions in the Stamp Act. It is a hardship to the public that such documents in the nature of a will and which come into effect after the death of the testator should be required to be written on stamp paper. This duty with the land revenue is ruining the people. The prices of commodities are very low and even for this there is no market. Ryots find it extremely difficult to get money. In order to get money they have either to collect old dues or raise loans. As for raising loans, the heavy stamp duty prevents them from taking any loans at any rate of interest.

“Even to recover dues through the courts, on account of the prohibitive court-fees, they are not able to do anything. So, they can neither raise loans nor recover the old dues through courts. These taxes really work as great hardship. I am sure, if the Government realize the real nature of the thing, they will certainly reduce the court-fees; and, if the court-fees are reduced, there will be more people going to the courts to file suits and thereby the income of the Government will increase. I think it was my hon. Friend, Mr. K. P. Raman Menon, who said the other day that he had to allow several of his suits without being filed on account of the heavy court-fees. He is one of the leading lawyers and is supposed to have ready cash and if even such a man could not go to court, what will be the fate of others? As a matter of fact, I had also to forego some amounts.

[Mr. Mahimud Schamnad] [12th March 1934]

“ Sir, as was pointed out by several speakers before me, before going to court, one has to pay one-fourth of the amount in advance by way of court-fees, etc., and even after getting a decree, he has to spend a good deal for execution and other things. What about the old accepted principle that in administering justice no profit should be made; but, now, the profit made by courts is very much. I hope, now at least, when there is so much hardship among the people that principle will be considered. I find, Sir, on the receipts side a sum of Rs. 83 lakhs for non-judicial stamps, and on the expenditure side Rs. 4 lakhs; and for the judicial stamps, receipts show Rs. 229 lakhs, while the expenditure is 6 lakhs. So, the profit made must be very large after deducting the cost of administering justice. Further, there is the promise made in 1922, that this raising of the stamp duty was only to tide over an emergency. That emergency has long ago passed; now we are having a surplus; even last year we had a balanced Budget; and it is therefore high time that you think of reducing the stamp duty, both judicial and non-judicial.”

* Mr. M. DEVADASAN :—“ Mr. President, Sir, I have given notice of a cut motion to discuss the necessity of appointing Depressed Class vendors. Sir, it is a well-known fact that Depressed Classes have not been encouraged in the matter of appointment of stamp-vendors by the Tahsildars and other subordinate officials, in whom the power of appointing stamp-vendors lies. If we analyse the relationship of the vendors to the Tahsildar it will be seen that some of the stamp-vendors are related to the Tahsildars, and, in other cases, it might be found that they have some influence over the appointing officers. The reason why I have given notice of this cut motion is this: in the rural parts the vendors use as much influence as the village karnam or the village munsif. The vendors receive only a commission for the sale of stamps and they do not receive any pay. Yet, from the point of view of the Depressed Classes, the appointment of vendors is very important. It cannot be said that the members of the Depressed Classes do not wish to become vendors, nor can it be said that they are not competent to carry out the duties of vendors. I should say that, if the Depressed Classes are not highly qualified to occupy high positions of Registrars, or Deputy Collectors, they are at least able to carry out the duties of vendors. If, only, the Hon. the Law Member issues a circular that, in future, when appointments of vendors are made, candidates coming from the Depressed Classes should be preferred, then there will be no difficulty, and many of the members of the Depressed Classes will, I am sure, come forward to accept the posts of vendors. If the Government do this, it will go a great way in removing the curse of untouchability. In the rural parts, untouchability still exists, in spite of the propaganda done by Mahatma Gandhi, and others, and by appointing Depressed Classes, as vendors, the evil of untouchability will be removed to a certain extent. I do not mean to say that this is the only means of removing untouchability, but this will certainly go a long way to solve the problem.

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[Mr. M. Devadasan]

“The next cut motion of which I have given notice—about which the speakers who have preceded me have spoken enough—relates to the necessity of reducing the price of stamp paper. Sir, prior to 1922, the cost of one stamp paper was two annas, and during the war, when prices of articles went up, the Government found it difficult to carry on the administration and they enhanced taxes, and they had to increase the cost of copy stamp paper to three annas. They also at the same time increased the stamp duty and I am not going to say that the stamp duty on all stamps should be reduced. Sir, most of the clients resorting both to the Civil and Criminal Courts find it very difficult to meet the cost of obtaining copies, and for want of funds they have to forego taking copies. Now, the Government are getting a decent contribution from the Central Government of about 229 lakhs on account of stamps. I hope, Sir, that in view of this contribution, Government will consider the lot of the poor litigants, and try to reduce the cost of the stamp paper from three annas to two annas. If they do so, it will go a great way, at this period of economic depression, to relieve the litigant public from further expense. With these words, I support the cut motion.”

* Mr. P. PEDDI RAJU:—“Mr. President, having given notice of a similar cut motion, I want to say a few words. So far as the stamp duties are concerned, the question now is whether the present rate of stamp duty regarding sales and mortgages is still necessary to be kept at such a high pitch, or whether it is high time that Government should consider the desirability of reducing it. The question is merely this: who is to pay the stamp duty on a sale or mortgage? It is the man who sells his property, borrows money, because he has got some necessity to transfer his property. In the circumstances, if that man is compelled to pay a high rate of stamp duty, it is simply obnoxious. That man is already in a crisis, and wants to part with his property, and for doing that, he will have to pay a high rate of stamp duty. That is a matter on which, as a non-official member, my Hon. Friend, Sir Krishnan Nayar, argued some time ago that the stamp duty should be reduced. In the year 1925, when a similar motion was placed before this Hon. House, Government also accepted it and said that the matter was under consideration, so far as the reduction of the stamp duty and court-fees was concerned. The Hon. Sir C. P. Ramaswami Ayyar, at that time the Law Member, said that the matter was under the consideration of Government, and that they would take early steps to give effect to it, at least so far as the court-fees were concerned. That was taken by the House to be the opinion of the Government. But nine years have since elapsed, and the Government have not taken any steps to reduce the same.

“Then, Sir, I want to say a few words also on the subject of court-fees. The Government have, times out of number, expressed on the floor of this House that they have been considering the question of reducing court-fees in non-contentious matters. Of course, my hon. Friend, Mr. Basheer Ahmed, said that, so far as the City Civil Court and the Small Causes Courts in the City are concerned, there is some

[Mr. P. Peddi Raju]

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refund, if the case is uncontested. But I am sure it is so in the mufassal. The Taxation Enquiry Committee have also recommended some such proposal, and the Government have stated that they are considering the matter, and called upon the High Court, so long ago as 1925, to devise ways and means as to how far relief can be given in the matter of court-fees, so far as non-contentious matters are concerned. I do not know what Government have done all these years. It is high time that Government should come to the rescue of the litigant public. After all, it is not the rich man that pays the court-fees; but it is the poor man who will have to pay the cost later on, and it also falls upon the poor ryot. Under the present circumstances, though Government are not kind enough to recommend a remission of land revenue as desired, I think that they should at least consider and see that the troubles of the poorer people are not enhanced, but that they are given some relief in the matter of stamp duties and court-fees."

B. POCKER SAHIB Bahadur:—"Mr. President, Sir, I find that this is rather an annual ceremony to ask the Government every year to restore the court-fee to the rates that were prevailing before the amendment of the Act in 1922. I stand up to perform this ceremony because I am convinced that, so far as the Government are concerned, they are not generally moved by persuasion or reasoning or by going into the conditions that prevail among the people, but I believe that this unending repetition of the same request will have some effect on the Government. It is only with this idea that I repeat the very same request which was being made in this Council year after year, ever since 1922. Very often the Government was reminded of its pledge solemnly made on the floor of this House also, but nothing seems to have any effect on them. Anyhow, if we go on repeating our request, let us see whether that experiment at least will have any effect on the Government. I do not know whether it is really worthwhile to take up the time of the House or my time in repeating the very same arguments which have been repeated in this House times out of number. So, I do not propose to deal with the reasons for reducing the court-fees to the rates which prevailed before the amended Act, which was intended to be only for a temporary period.

"There is one other point which I would just like to press and that is this. The present Court Fees Act, as it stands at present, works a grave injustice and inequality in ever so many cases. That is a matter on which Government should pay attention. Even last year, this matter was brought to the notice of the Government and if I remember aright, the Government then promised that the matter would be attended to, but I do not know whether the Government have taken any steps to revise the Court Fees Act in order to remove those inequalities and several cases of injustice resulting therefrom.

11-45 a.m. "As a matter of fact, if the Act, as it stands, is looked into with reference to the various decisions that have been given by the High Court and with reference to the Court Fees Act, it will be found that

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there are so many inequalities and also that there are so many provisions which are vague in which the parties and vakils find it very difficult to know what they have to do. I know, Sir, in many cases, on account of the emergency of the situation, the party is compelled to pay a higher rate than will be necessary. Because if the party waits, he would not get the remedy and the matter will have to be inquired into by the taxing officer. So, more definite provisions have to be made and the defects removed. As regards the inequalities, I may just refer to one instance. If a suit on a promissory note is filed in the Original Side of the High Court or City Civil Court when both courts have jurisdiction to receive the same, there is an inequality. I do not know if the principle of the Government is that when the suit is tried by the High Court, there must be a higher court-fee and if the City Civil Court has to try, there is to be a lower court-fee. I do not know if even this is worked out. So, I would like the Government just to conduct an enquiry into these inequalities as they exist and take steps to revise the Court Fees Act with a view to remove these inequalities and several cases of injustice. Under the Stamp Act also, there are so many cases of hardship which have to be removed. By the interpretation given to certain provisions of the Stamp Act by the Revenue Board, great hardship is worked. For instance, I understand that in the case of a document for dissolution of partnership, of course if a partnership is dissolved, the assets of the partnership will have to be taken either by one partnership or another. I understand that a dissolution of partnership means always we have to pay Rs. 10 for dissolution, Rs. 7-8-0 for release and also conveyance for conveying all of the assets from one partner to the other. So, it works very great hardship and I do not think that it is just or proper that one of the parties at the time of dissolution of partnership should be asked to pay the whole conveyance for this document. There are so many other instances of this kind and it is very necessary to enquire into these cases of hardship and to take steps to revise these Acts in order to remedy these inequalities. I would just like to refer to another point in regard to a notification that has been issued by the Government as regards the revenue stamps to be affixed for receipts and promissory notes, etc. Notice of a cut motion with reference to that point has been given by Mr. Yahya Ali. This notification that from 1st April 1934 it is only the new kind of revenue stamps that are to be used for promissory notes, receipts, etc., has to be made known in every nook and corner of the country. I do not know what steps the Government have taken with reference to this. No doubt, Press Communiqués or publication in newspapers will be useful to the reading public. But there are millions of illiterate people who have resorted to the use of these stamps with reference to the daily transactions in the remote villages. No doubt, it is stated these stamps will be available in the post offices and branch post offices. But this is not enough. It is quite necessary that Government should take such effective steps as will ensure a knowledge of it by the villagers in the remotest corner of the country. If such steps are not taken, I am afraid that these illiterate people in the villages will land themselves in difficulties owing to ignorance of this new rule that has been effected."

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* Mr. P. V. KRISHNAYYA CHOUDARI:—“ It is no doubt that, while increasing the stamp duty in 1922, the Government promised definitely that they would reconsider reduction when funds were available. So far as the Finance Member is concerned, when the finances improved, he kept up his promise and removed the salaries cut. Now, Sir, I ask the Hon. the Law Member why he should not keep up his promise and reduce the stamp duty? When somebody put a question as to why a particular tax was not reduced, the Hon. the Finance Member said ‘ You must ask Mr. Schuster.’ It means that I must ask the Hon. the Law Member and, with that idea, I am now asking the Hon. the Law Member to keep up his promise and reduce the stamp duty. The second thing, Sir, is that the stamp duty is intended not as a source of profit to the Government, but for the purpose of doing justice to the people. People must be given justice at a cheaper cost and not at a prohibitive cost. That prohibitive cost is bringing fewer people to the courts of justice. If the idea of Government is to keep justice accessible to the poorest people possible, it is very necessary that the cost of the stamp duty must be reduced. Some other Minister has stated that the tree tax is increased as a prohibitive measure and it is supporting prohibition. Similarly, I do not know if the Hon. the Law Member feels that he should keep the stamp duty as prohibitive as possible in order to prohibit people from having justice. If that is his idea, I do not press the motion. If that is not his idea, I request him to consider and reduce the stamp duty to a reasonable amount. When several ryots are suffering from indebtedness and when people are demanding for moratorium as well as debt conciliation boards, now, Sir, the stamp duty is certainly an additional burden when once they file a suit at a heavy cost. As a first measure, Government must come forward and before discussing conciliatory measures, they must reduce the stamp duty of the ryots. As a matter of fact, stamp duty is more costly than the interest the ryots have to pay. So I request the Hon. Member to consider and reduce the stamp duty as early as possible in the interests of the ryots.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Sir, I also wish to associate myself with the previous speakers in requesting the Hon. the Law Member to keep up the promise made in the matter of reduction of stamp duty. As the plight of the poor ryot of the present day is well-known, it needs no argument from me to stress that he requires help from all quarters. With regard to the other points, which I want to deal with here, I like to say that in the rural parts, it is quite necessary to increase the number of stamp-vendors. In some places, people have to go more than 5 or 6 miles to get stamps. After all by increasing the number of stamp-vendors the Government do not lose anything. They are paying commission only on the sales effected and the stamp-vendors are not paid any salary. So, I would urge on the Hon. the Law Member to have more stamp-vendors in rural areas, at least one for a radius of 3 miles, so that people who may require stamps may get them easily.”

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"Then, Sir, I would also urge another important point for the serious, earnest and sympathetic consideration of the Hon. the Law Member. That is the supplying of stamps to the stamp-vendors on credit system. Now, when getting the stamps, stamp-vendors are asked to deposit the full amount in advance and then take the stamps. This method of demanding advance payment causes much hardship because as the Government allow only a very small percentage of profit to the stamp-vendors in the shape of commission, it is not worthwhile for them to invest large capital on stamps and so they are not in a position to get enough of stamps of various denominations and keep them ready for sale. Therefore I would suggest, Sir, that the Government would do well to distribute stamps to vendors on credit system, taking personal security from the persons so that the stamp-vendors since they are not troubled to pay ready cash in advance, may take stamps in larger numbers of varied values. If the security of the person of the stamp-vendor is not satisfactory, he may be asked to produce personal security of satisfactory persons. If it is done, I do not think there will be any loss to Government as some of my hon. friends apprehend. If any loss is likely to occur, it can easily be made good from the persons who stand as sureties. So, I request the Hon. the Law Member to consider this suggestion and make it easy for the people to get the required value of stamps from one stamp-vendor. As it is, since the stamp-vendors do not get much stock of stamps it is very difficult to get the required number of stamp papers of various denominations from one stamp-vendor and so, one has to go to a number of stamp-vendors to get the papers he wants. So, Sir, I request the Hon. the Law Member to give his serious and earnest consideration to this question and solve it early."

* Khan Bahadur YAHYA ALI SAHIB Bahadur:—"Mr. President, Sir, I wish to join the representation that has been made from every part of the House with reference to the reduction in the rate of court-fees and stamps in this Province. Sir, the Hon. the Law Member is aware that the enhancement in the rates has caused enormous inconvenience to the litigant public."

"The other matter that I wish to place before the Government is that with reference to the change they have made in the categories of stamps. They have separated revenue and judicial stamps with effect from the coming year. Sir, on the previous occasion when the stamp duty was enhanced, people were taken unawares and a considerable number of documents became invalid on account of insufficient stamps. A lot of inconvenience and embarrassment was caused to the public and the Government had to bring in a validating Act with reference to those documents. On this occasion also, when the Government are dividing the stamps into two categories, sufficient notice has not been given to the public. For my part I knew of this only when the Budget came into my hands. It is not perhaps known to the public even now. On the 8th March, I found a Gazette notification introducing this change. Sir, if this change is to be brought into

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effect so soon, before the public had time to make themselves familiar with it, many a document is bound to become invalid. I would therefore request the Government to take steps to notify to the public in all villages the effect of the change, so that, hereafter, they may use the proper kind of stamps and obviate the documents getting invalidated. With these remarks I support the cut motion."

* The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, my Friend, Mr. Koti Reddi, who opened the debate on the cut motions under this Demand made certain suggestions. To begin with, he stated that the Government should not make any profit from the administration of Civil Justice. Stated in that form, the proposition, I think, is liable to be disputed. Probably it is an ideal to be achieved; but in practice, I find that many Governments levy court-fees for the purpose of revenue. In any case, I join issue with my Friend in the correctness of that broad proposition.

"Then my Friend, Mr. Koti Reddi, stated, with reference to certain figures which he quoted, that the Government were really deriving a profit from the levy of court-fees in connexion with the administration of justice. The figures that he referred to, I submit, cannot be taken as a basis for any serious discussion. What my hon. Friend did was this: he referred to the figures in the Civil Budget Estimates and allotted portions of them to what he called the administration of Civil Justice and allotted the remaining portions to the administration of Criminal Justice. In making this allotment or division, he did not follow any principle. His division was purely arbitrary. I myself tried several hours yesterday to allot the different portions of the court-fees income to the administration of Criminal Justice and to the administration of Civil Justice. I found it actually impossible to make any allotment worth the name. I then pursued my researches further and dived into certain books which dealt with the subject. I found from an examination of the report of the Taxation Enquiry Committee that they too considered this subject and came to the conclusion that it was very difficult to make any allotment. Further, I find that the Government of India themselves went into this question so long ago as 1890 and published a resolution on this subject. In that resolution they said that, though they and the Provincial Governments took a very long time in gathering statistics necessary for the publication of that resolution, they were themselves quite dissatisfied with the resolution and with the result of the enquiry. They stated that it was extremely difficult to come to a conclusion with reference to this allotment of revenue for administration of Civil Justice as distinct from the administration of Criminal Justice. So, seeing that the subject is so very difficult, I do not blame my hon. Friend, Mr. Koti Reddi, for arriving at these figures. But the point for consideration now is whether the figures which my friend has chosen arbitrarily can be taken as a basis for serious discussion. I am afraid they cannot be taken as any basis for serious consideration. I am glad, however, that my friend recognized one thing, viz., that it is a sound principle to take into consideration the amount that is

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spent upon the salaries of the civil judicial officers and upon the upkeep of buildings and other things. Only, my friend did not refer in detail to all these items. I found, Sir, on a reference to the report of the Taxation Enquiry Committee, the subjects which they had taken into consideration for this purpose. One of these subjects is pay and pension of officers and establishment. My friend also referred to that. But he did not take into consideration the amount that is necessary to be spent for contingencies. This is a necessary item. Then again, we have to spend money upon stationery and printing. My friend did not refer to that either. He, no doubt, thought it necessary to deduct from this court-fee income the amount that has to be taken into account for interest on capital cost of buildings. But in addition to the interest to be allowed on the capital outlay on these buildings, it also necessary to allot some funds for the maintenance of the buildings. He did not refer to that. Again, there are charges of administration in the Secretariat for the purpose of supervising generally the Civil and Judicial administration. My friend did not refer to all these and I feel certain that, if this is done, the result ultimately, so far as Government is concerned, will be on the debit side.

“ With reference to non-judicial stamps, I am glad that Mr. Koti Reddi admitted the principle of Government levying fees. He said it was for the purpose of revenue and added that the Government were justified in levying this desirable and necessary tax. Only, his point was that the rates were rather high. Now, with reference to this point, namely, that the duties are high, not only my Friend, Mr. Koti Reddi, but many others in this House, Messrs. Pocker, Basheer Ahmed, Krishnayya Choudari and Peddi Raju have spoken. All these hon. Gentlemen said that the duties are high and that they should be reduced. This subject, as you are aware, Sir, has been engaging the attention of this House every year since 1924. These duties were raised in the year 1922 when there was great need for money for the Government. Unfortunately that great need for money still continues. I very much sympathize with the hon. Members in their desire to have these fees reduced, but I am sorry that I cannot give them any hopes for reduction, in any case, in the coming year for which this Budget is framed. Speaking in round figures, the total revenue from stamps, judicial and non-judicial is about Rs. 230 lakhs. Now, if this 50 per cent is to be cut out of this Rs. 230 lakhs, it will roughly come to about Rs. 76 lakhs. My hon. Friends will realize that the Budget has been framed on the assumption that this sum is available for the administration and now, if they cut off this Rs. 76 lakhs, it will very seriously disturb the Budget. My friends are also aware that the Government have already remitted under land revenue roughly about 60 lakhs. Thus, if this 76 lakhs is also to be taken away, the Government will seriously feel the difficulty, and it cannot be the desire of this House which forms part of the Government that the Government should be so put to difficulties. (Mr. Basheer Ahmed Sayeed: ‘ What about the next year’s Budget? ’)

[Sir M. Krishnan Nayar] [12th March 1934]

“Then my hon. Friend, Mr. Koti Reddi, made a statement—he was the only Member of this House who made such a statement and I emphatically differ from him—that the salaries paid to the Judicial officers are very high and that they should be cut down. Far from that being the case, I personally feel that the salaries paid to our Judicial officers are insufficient. Take for instance, the pay of our sub-judges and our district judges. Our sub-judges have unlimited pecuniary jurisdiction and we pay them only Rs. 850 per mensem. Hereafter, the pay is going to be smaller than this. The pay that we give to our Judicial officers is low. It is not adequate. As regards the salary of our Sessions Judges, so far as the Indian Civil Service Sessions Judges are concerned, it is not within the power of this House either to enhance or reduce it. It is non-voted and it is in the hands of the Secretary of State. Then, as regards the pay of the non-I.C.S. Sessions Judges, my personal opinion, again, is that it is not certainly excessive. I believe that, on an average, a sessions judge of this Presidency, and probably of other Presidencies also, disposes of more murder cases in one year than a judge in England of the Supreme Court does in the whole of his lifetime. I have the authority of the High Court for this statement. Having regard to the enormous powers and the vast responsibility of the Sessions Judges in this country, I believe that even my hon. Friend, Mr. Koti Reddi, will agree with me, on reconsideration, that the salaries paid to them are not too high.

“Then, as I stated with reference to the figures that my hon. Friend gave, he cannot be blamed because even the Government of India found it extremely difficult to come to correct conclusions. I can, however, tell my hon. Friend that all the figures that he gave us the other day will be carefully examined in the office.

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“Then my Friend, Mr. Basheer Ahmed, stated that the Government have not taken any action whatever on the report of the Taxation Enquiry Committee. I may tell him that Government have taken action. With reference to the stamp duties, apart from the court-fees, the Government, have, after consulting the various administrative and Judicial officers of this Presidency, sent an elaborate report to the Government of India, and the Government of India have not yet replied to that.” (Laughter)

MR. BASHEER AHMED SAYEED:—“I am more concerned with the result of the report.” (Laughter)

The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“It is beyond our control; we have done what we can, and it is for the Government of India to accept or reject it.

“With reference to the remission of the stamps in cases which are settled out of court, the hon. Member's suggestion will be taken into consideration when the Madras City Civil Courts Act and the Small Cause Courts Acts are amended.

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“ Then, many of my friends, including Messrs. Basheer Ahmed, Yahya Ali and Pocker Sahib, have referred to the question of unified stamps. I am glad that they referred to that matter, as it is a very important one. It was stated impliedly, though not explicitly, that both in 1905 and 1925, when the existing changes regarding unified stamps were introduced, people, on account of ignorance, were greatly confused. My friends ask me why Government should not take steps to see that people are not put to such difficulties now. They are right in their representation, and I am glad to inform them that Government have taken steps to avoid confusion. Some of my friends themselves stated in this House that a Press Communiqué has been issued by the Government of Madras. Instructions have been issued to publish it in all newspapers, English and vernacular, throughout the Presidency. That is one method of making this change known to the people. In addition to that, these new stamps, separate for revenue and postage purposes, are available for sale with all the licensed stamp-vendors, in all treasuries, post offices including branch and sub-post offices. Besides this, this change is also published in the *Fort St. George Gazette* and in the *District Gazettes* as well, both in English and vernacular languages. (Mr. Krishnayya Choudari: ‘What is the object of this change?’) It is for the Government of India to say. (Laughter.) The Collectors of districts are also instructed to make these changes known. If any hon. Member has any other method in view by which the people can be saved from any confusion and difficulty arising from this change, I shall only be too glad to adopt it.

“ Mr. Yahya Ali wanted to know what the financial effect of this change is, so far as this Government are concerned. At present we are getting Rs. 8,34,000 from the Government of India. We have been corresponding with the Government of India and claiming from them an annual contribution, not of Rs. 8,34,000 but of Rs. 9,83,000. That is still under correspondence and the Government of India have not yet replied to it finally. In any case, according to our calculations, the chances are that from the 1st April 1934 we shall get about Rs. 9,83,000.

“ Then my friend, Mr. Devadasan, referred to the necessity of appointing stamp-vendors from the depressed classes. As a matter of fact, there is no rule or regulation preventing the members of the depressed classes from becoming stamp-vendors. The only difficulty that stands in their way is perhaps the fact that they have to furnish security to the Collector for a certain amount, undertaking that they will abide by certain rules that they will tender certain accounts and that they will always keep stock of the required number of stamps. If Mr. Devadasan can find any member of this community who can give security, there will be no difficulty to have him appointed as stamp-vendor. In any case, Government will gladly forward the discussion that has taken place in this House to the Board of Revenue.

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thereby indicating that Government are desirous and anxious to see, if possible, members from the depressed class community appointed as stamp-vendors.

“ Then a suggestion was made by one of the hon. Members to the effect that the value of the copy stamp papers should be reduced from three annas to two annas. Formerly it was only two annas. The reason why this has been increased is this: two committees, one of which was presided over by Sir Norman Majoribanks, and another consisting of several Members of this House, went into this question and finally recommended that the value of the copy stamps should be increased to three annas to enhance the remuneration of the copyists. Originally these copyists were paid only 16 pies for 175 words. That was raised to 24 pies, and out of the balance of 12 pies, 6 pies goes to the superintendent of copyists and the remaining 6 pies to meet the cost of stationery and printing charges. Thus, hon. Members will see that the result of a reduction in the value of copy stamps will be to reduce the remuneration of the copyists by 50 per cent. I am sure that hon. Members are not going to suggest that. (Mr. K. P. Raman Menon: ‘ Why do Government want to have any profit out of it? ’) I have just told hon. Members that Government are not getting even a single pie as profit. They are only taking just the cost of the stationery and printing charges, and certainly these charges, hon. Members are not going to suggest, ought not to be appropriated by Government.

“ Then my friend, Mr. Basheer Ahmed, and some others suggested that the number of stamp-vendors in the City should be increased. I may tell my hon. Friends that there are at present in the City four salaried stamp-vendors, and in addition to that number there are seventeen licensed stamp-vendors. My friend, two years ago in this Council, stated that on the reopening day of the High Court after the long vacation, difficulty was felt in getting stamps. On account of this representation, Government, after consulting the Board of Revenue, have issued orders that on the day the High Court reopens after the long vacation and the following four days or so, one of the four salaried stamp-vendors should be in the High Court, always ready with the stamps. Besides this, the Collector goes to the High Court on the reopening day and superintend the work of the stamp-vendors from 11 a.m. to about 1 p.m.

“ With reference to the representation of Mr. Nachiyappa Gounder about the dearth in the number of stamp-vendors, I may tell him this. The rule is that there should be five stamp-vendors on an average for every 100,000 people, and it is left entirely to the discretion of the Collector of the district concerned to increase or reduce the number of stamp-vendors in a particular locality. Here again, I shall forward the suggestion of the hon. Member to the Board of Revenue, and if they find that the number is really insufficient in any particular locality, I am sure, they will take the necessary steps.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ It is dependent on the area.”

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The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Certainly, it must depend very much on the area."

"With regard to the credit system, as a matter of fact, Sir, they have the credit system now. If there are vendors who are ready to furnish security, they will be supplied with stamps on credit. But whether it should be personal security or some other form of security is a matter to be decided entirely by the Collectors of the districts. It is left to them, because it is a case of protection of the revenues. The Collectors have the discretion to issue stamps on personal security in some cases and on property security in others."

"I believe, Sir, these are all the suggestions that have been made by hon. Members, and I have nothing more to add."

Mr. K. KOTI REDDI:—"Mr. President, Sir, I am sorry the Hon. the Law Member has forgotten to answer the main point, i.e., the profits earned by Government out of the administration of Civil Justice in the Presidency and . . ."

The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am sorry that the hon. Member was not present in the House when I answered that point. As a matter of fact, the greater portion of my speech dealt with that topic."

Mr. K. KOTI REDDI:—"I stand corrected, Sir. In view of the assurance given by the Hon. the Law Member, I beg to withdraw my motion."

The cut motion was, by leave, withdrawn.

The Demand was put and carried, and the grant was made.

DEMAND IV—FOREST—RESERVED.

* The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, on the recommendation of His Excellency the Governor, I beg to move—

'that the Government be granted a sum not exceeding Rupees 30,54,600 under Forest—Reserved.'"

* Mr. M. S. SRESHTA:—"I rise to move the cut motion standing in my name, that is:—

'To reduce the allotment of Rs. 30,000 for Pay of Establishments by Rs. 100'

Sir, I have given this cut motion in order to discuss the policy of the Government in regard to forest matters. In my previous speeches in this Council on this Demand, I pointed out the desirability of the Forest department investigating the possibility of growing trees suitable for making match boxes. I believe the match industry is mostly now confined to Northern India and now that protection has been afforded to match industry, Northern India will be benefited by it and a large contribution will be made to the people of Northern India by the people of the South by way of purchasing match boxes. It

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would have been desirable if Government had anticipated this situation and did something for the growth of suitable trees required for match industry in our Province. I quoted in my previous speeches the case of Sweden where it was found necessary to grow suitable trees for match industry. The work was begun and in about 20 or 30 years all the timber that was necessary for making match boxes was grown in Sweden itself. I do not know if any action has been taken on this suggestion of mine. Even last year I went into this question and asked whether any action was taken. I shall be very glad if the Hon. Member in charge will kindly reply whether any action has been taken and, if not, whether Government propose to take any action in the future. I must admit that the Forest department is one of the valuable assets of our administration, and it is very well and ably managed. It must be admitted that the administration of this department has been successful and the policy adopted by it has been so sound that other parts of the Empire have followed the example of India. But at the same time I must point out that there are defects also in the administration. In their anxiety to increase the revenue from the administration of forests, the department has sometimes encroached on the rights of the people. We know from English History what the struggle was between the king and the people there regarding forests. In India, it was originally thought that forests belonged to the people. Whatever it is theoretically, whether the kings had rights over the forests or the people, in India the forests were freely used by the people and even to-day in the district from which the Hon. the Law Member comes, viz., Malabar, all the forests are properties of the people. Only such bits of forests as have been purchased by the Government or have been leased to them belong to them. The rest of the forests are in the hands of the people and there is no difficulty, I am told, for the people to get all the fuel and the manure leaves they want from the forests. In spite of this, there has been no difficulty experienced in Malabar district. There has been no deficiency in rainfall there. It has been alleged that it is necessary to conserve forests so that the rainfall may not be diminished. In spite of the people in Malabar taking away the fuel and manure leaves from the forest there, the rainfall is not in any way diminished. So, I do not know whether this argument has not been stretched too much and whether it is not desirable in the interests of the public to relax the rules which the Government have framed in regard to reserve forests. In regard to reserve forests all sorts of restrictions are now placed for the use of the rights which the people have been enjoying from time immemorial. I shall leave it to hon. Members coming from other districts to deal with the position in their respective districts. I shall, for the present, confine myself to South Kanara the conditions of which are well known to me. Certain rights have been exercised by the people in South Kanara from time immemorial in forests. They have been allowed from time immemorial without let or hindrance to remove leaves required for manure, small fuel and also sticks and so on required for their huts. The reason why this

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special privilege was given to South Kanara has not been fully understood by the Government. I think the Chief Conservator of Forests said in a memorandum prepared by him that he did not know why South Kanara should be specially favoured. The reason for this special favour is that although there is heavy rainfall, still the soil is very poor and a large quantity of leaf manure is necessary to carry on the cultivation. It is for this reason that a special privilege has been conferred on the people of the district. I believe this matter has been fully explained in the South Kanara District Manual, but I am sorry I am not able to quote from it at the present moment. But whatever the reason may be, the fact remains that from time immemorial these rights have been exercised by the people in South Kanara and is it right for the Government now to take away those rights? I think it is stated in the report of the Agricultural Commission that 'forest is the hand-maid of agriculture.' Forests should be conserved only in so far as they are beneficial to agriculturists. In this connexion you will find what the Forest Code states. I shall claim the indulgence of the House for a few minutes in quoting a few passages from it. The forest policy of the Government is contained in the resolution of the Government of India, dated 19th October 1894. This is what that resolution states:—

'The needs of the communities dwelling on the margin of forest tracts consist mainly of small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for cattle and edible forest produce for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction . . . It should also be remembered that subject to certain conditions to be referred to presently the claims of cultivation are stronger than the claims of forest preservation.'

Then, again, Sir, Sir Thomas Moir has said some years ago in the Legislative Council:—

'We do not forget and have never forgotten that the Forest department's main object is to supply the needs of the people and it must pay attention to the facts, that the ryots do require fuel, that they require timber for houses, that they require implements for agriculture and that they require grazing for their cattle.'

Then again what is Government of India's resolution?

'The claims of cultivation are stronger than the claims of forest preservation.'

Sir, I shall now quote a case in which in South Kanara all these statements have been treated as scraps of paper. On the 17th December 1932, the Chief Conservator of Forests passed a resolution in which he remarked that the only reason for the exercise of the rights by the people in forest areas seemed to him to be that they had been enjoying those rights. As I have already pointed out, the people have been enjoying these rights from time immemorial. It is true that some years ago the forest panchayat system was introduced in South Kanara whereby the exercise of these rights was controlled by the forest panchayats: I think it was wrong on the part of the Government to

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have introduced that system. It was not right on the part of the Government to take away the rights which the people already possessed. I am afraid the Forest department was obsessed by the idea of obtaining revenue and they overlooked the duty of allowing the people the rights which they possessed for a long time. Therefore I say that the control by the forest panchayats of the rights already possessed by the people was a wrong step on the part of the Government. I think it was not correct on the part of the Government to have taken away those rights possessed by the people because of certain abuses. It is possible that in such a system there might have been some abuses, and if there were any abuses it was for the department concerned to take steps to put an end to them. Because there have been some abuses, you cannot take away the rights, and innocent people should not suffer for the guilt of others. There has been considerable agitation on this matter and I do not know what action the Hon. the Law Member in charge has taken. I believe the matter is still under consideration and no final orders have been passed. If they have been passed, I would like to point out to the Hon. Member in charge that there is an easy remedy for this state of affairs. We have not got the village panchayats except in one taluk in South Kanara. If the village panchayat system is extended to all taluks, it is quite possible to place the control of these rights in the hands of the village panchayats. That is the easiest remedy. I would also like to point out that there has been an entire misconception of the whole position. I shall take two instances, viz., the reserve forests of Hosabettu and Todar. These were originally not reserved. No doubt the Forest Act empowers the Government to reserve any forests and these forests were made reserve forests in 1890 or so. But in reserving these forests the people were told that they were reserved so that the villagers might get the full benefit. When these concessions were removed by the Government Order in 1932, these forests were said to contain sandalwood trees and were for the first time placed in Class I or II which are meant for timber trees. I think such a classification is entirely wrong. I do not know under what circumstances such a thing could have been justified. It must be remembered that South Kanara is one of the three districts where sandalwood grows in every piece of land. You can see sandalwood on all lands. I own a piece of land which was practically useless for a long time. But now I see a number of sandalwood trees on it. I do not know whether Government will now say that this must be included in reserve forests. It has been repeatedly said that forests in this Province are roughly divided into Provincial forests and rural forests, the former for the purpose of deriving revenue and the latter for the benefit of the people. It has been stated that the two forests which I referred to above, viz., Hosabettu and Todar forests were rural forests and even when they were classed as Class IV forests they were intended for the benefit of the people.

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p.m. "That being so, is it right for the Government by one stroke of the pen now to make them Provincial forests for the purpose of getting revenue, because these sandalwood trees are required for the purpose

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of revenue? It is a wrong step that the Government have adopted. But now that I have explained the position, I hope the Hon. the Law Member will redress these grievances which have been felt for a long time in the district. I know that the Hon. Member is very sympathetic; he has reason to be very sympathetic as South Kanara is his neighbouring district and he knows the conditions there very well. Whatever special concessions were given to South Kanara on account of the peculiar conditions there, they should be restored to the district. The Hon. the Law Member has been an eminent lawyer and also a Judge. I believe and I trust he will act with a judicial mind. I should like to know how he will defend the position of the Government. Anyhow, I hope that he will go carefully into the matter and see that these grievances are redressed as quickly as possible. Besides this particular forest I have mentioned, there are other forests also in South Kanara where much injustice has been done. I leave it to my hon. Friend, Mr. Shetty, to speak about them as he knows more about those forests.

“Only one point more. It has been said by the Hon. Member that the prevalence of malaria is not in any way connected with the existence of forests closeby. But South Kanara is one of the two districts which are most severely attacked by malaria, the other district being the Vizagapatam Agency. In these two areas quinine is distributed free owing to the severe incidence of malaria. From my own personal knowledge, I must say that malaria is chiefly to be found in places near those big forests in South Kanara. Therefore, it cannot be said that malaria is in no way connected with the existence of forests. Well, Sir, if these forests are not to be used by the people, and if on the other hand, they are to be the vehicles for malaria, what is the use of having them there? Why not get rid of them? Then there is the question of cattle. They cannot be kept tied the whole time and it will happen that occasionally one or two will stray into the forests which are very closeby. Then they come into the hands of the Forest department underlings. Practically very few cases go so far as the courts; for the underling is the court of first instance in the matter of these offences and he receives a small bribe and lets the matter drop there. It is said that this is a state of affairs for which both parties are responsible. That is the expression used by the Hon. Member in a similar case. But we must consider that the people of the country are very ignorant and therefore they ought to be protected against these underlings. It has been said in one Government publication—I do not remember which—that the great evil of these reserved forests is the power put in the hands of these underlings. We do not want to give too much power to these underlings. If there is any system in which the underling must be given large powers and in which the powers of the underling are liable to be abused, I say, ‘get rid of that system.’ This matter should be very carefully considered by the Government. I know that our Forest administration is a very good one. It is necessary in the interests of revenue and in the interests of the general public that forests should be conserved, but in no case should this be done at the expense of the people.”

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MR. SAMI VENKATACHALAM CHETTI:—“ Mr. President, Sir, I second the motion moved by my hon. Friend. If there is any doubt in the propriety of my seconding this motion, I think it will be dispelled if I say that recently I have visited the district of South Kanara where I had an opportunity to study at first hand the various forest grievances from which the people of the district suffer. The forest conditions in South Kanara are very peculiar in that the forests are very close to cultivable lands. The ryots of the district have been enjoying the privileges of taking manure leaves and grazing their cattle, etc., for a long time unlike the ryots in other areas. Therefore the withdrawal of these concessions recently by the Government has come upon them as a surprise and they are handicapped considerably even in cultivating their lands. It was rather unfortunate that the Hon. the Law Member visited South Kanara just before the concessions were withdrawn, for if he had gone there after the concessions had been withdrawn, he would have seen for himself the difficulties and troubles which the ryots have to undergo on account of the withdrawal of these old privileges. The forests in many cases are hardly 15 feet distant from the cultivated lands and it is absolutely impossible for the cultivator not to trespass for one thing or other, on the reserve forests. The Government may say that the concessions were withdrawn because they had been abused. I do not think, Sir, that the abuses of the so-called concessions have been so frequent or so numerous as to warrant the withdrawal of these concessions from all the people. After all what the Government regard as concessions, the people, on account of long usage and custom have come to regard as their rights and it will take some time for the people to understand that the Government regard even these necessary and inevitable conditions as concessions. After all, I do not think the abuse of these concessions would have meant any loss of income to the Government. It is only an imaginary loss that the Forest department think they would be incurring if the concessions were granted to the agriculturists. The actual loss suffered by the cultivators on account of the withdrawal of these concessions is much heavier than the loss which the Government imagine they would suffer if the concessions were restored to them. There is a heavy loss of cattle on account of the proximity of forests which the people are not able to prevent on account of the withdrawal of gun licences.

“ Moreover, Sir, it is erroneous to think that at the present time the agriculturists are not really enjoying those concessions, for they do it by clandestine methods. It is true, Sir, that some agriculturists have to resort to clandestine methods. What I want to tell the Government is that as anyhow they have not been able to prevent the people from enjoying these privileges, they might as well withdraw the restrictions and let the agriculturists have the old concessions again. After all, by the present arrangement who is benefited? Not the Government and not the agriculturists, but as has been very aptly put, the forest guard, who is to keep watch over these agriculturists and prevent them from abusing these so-called privileges. The forest guard cannot honestly discharge

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his duty for the simple reason that he is a single man as against the whole village. The village can very easily inflict its tyranny over him, if he should be scrupulously honest. Therefore, it is impossible for the forest guard to discharge his duty honestly when all the people living in the village are against him. I do not think that the restoration of these concessions to the people will in any way affect the capacity of these forests to conserve the clouds and produce the usual rainfall. Nor will it in any way reduce the income to the Government. I would therefore request the Hon. the Law Member to bestow his personal attention on the matter and not merely be guided by the reports he may have got in his office. I hope he will look upon this question with his usual generosity and sympathy. After all the concessions are very few and minor ones and they do not give much additional income to the Forest department. Nor would the grant of those concessions affect the conservation of the forests in any way. I therefore make a special and personal appeal to the Hon. the Law Member before he lays down his office, to restore these concessions to this district which is a neighbouring district of his own."

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, the Forest policy of a country is guided by the following considerations. The forests are conserved so that there may be regular rainfall, and enough supply of timber, firewood, manure leaves and grazing grounds for cattle. The Government also protect the wild life of the forests. Many of us have seen that as we go up the Ootacamund Hills, there are different kinds of trees at different heights. We see some kinds of trees at the foot, but at 200 feet above we see different kinds of trees and so on as we go to the top. The same thing can be said with regard to the different zones. The trees that grow in the torrid zone do not grow in the temperate and the trees that grow in the temperate zone do not grow in the frigid. Those who have some knowledge of forestry will see that trees which grow in the temperate zone will not grow in the other two zones. In several countries, the Forest departments appoint several committees who go out and live in other countries. The main object of these associations is to send to their own countries species of timber and other trees not found in their own country so that their countrymen may grow those varieties in their country. In thickly populated countries they do not allow the forest to have only wild trees and nothing else. In countries such as Germany, Holland and Denmark, they do not allow wild trees to grow in their forests. They cut down wild trees and plant in their place fruit trees and timber trees. In our country, Sir, as we go along the East Coast to Calcutta, we find big jungles and shrub jungles—forests of second and third classes. They are full of unprofitable trees. If the Forest department could plant fruit trees and timber trees in the place of these jungle trees, I think it will be very profitable to our Province. Sir, the eucalyptus is grown on the hills, but some of my friends brought some seeds to the plains and planted them on the sandy soil. They have thriven well. Then there is the tree called 'Blue

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gum' growing on the hills. It gives very good material for house-building on the hills and I am sure if it is planted in the plains it will give equally good house-building material.

1 p.m. "In the plains we use parts of margosa trees and blueberry trees for our houses. If the useless jungle trees are removed and trees useful to the people are planted, there will be wonderful help to the poor ryots, who are not in a position to purchase Rangoon teak. We know that Rangoon teak is very highly priced in our Madras Presidency. Has this department, at any time tried to grow the Rangoon teak in our forests? We have good climate for it; we have soil for it. If they had at any time tried to grow Rangoon timber on our hills, they may sell it in our markets cheaper than the Rangoon teak.

"We are getting a lot of forest goods from Hyderabad, especially those in the Northern Circars. We have Nallamalai forests. When such trees grow in the Hyderabad State, why should they not grow on our hills? Are these trees going to help only Muhammadans? The Government can grow sandalwood trees in their forests. We have hills with an area of about 160 miles.

"Some hills are barren; no attempt is made to grow anything at all. If this department grows these trees on the hills or anywhere where the climate allows it, I think it would be a wonderful help to the ryots.

"Recently this department is separating some forests where small trees are grown for the benefit of panchayats; it gives away some acres of land for the panchayats for the use of cattle. We have domestic cattle in this country numbering about 26 crores. When we have little food for the people, these cattle are a burden to the ryots. There is a forest in Konanki, Guntur district. This forest has about 2,000 acres of land; some years ago it was leased out to a panchayat; the panchayat has been looking after this forest for the last 4 or 5 years; long before it was assigned to the panchayat, Woddars were living by cutting stones in this forest. Recently these people were turned out by the panchayatdars. When the panchayatdars want it for the cattle, the Woddars want it for their sustenance. The Government in this matter have ordered that the land should be given to the panchayat for use of cattle and not of the people. There are about 300 and odd people living on stone-cutting in this forest; now they have no source of earning their bread; they have been completely turned out. The Government have finally decided to reserve the forest for the cattle and not for the people. Such is the policy of the Forest department.

"In Western countries shrub jungles are cleared and some labour colonies are started on them. I do not remember all the names of the labour colonies. But in Belgium there is one such colony; about 4,000 people are kept there in the colony and they are now living as gentlemen. It was forest before and it has been turned into a good colony. There are a number of such colonies in the West. Before people were allowed to go there, it was only jungle. Their forest policy was changed. Where there are more people than cattle, they have changed the policy

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of the Forest department and have given worthless land for the sake of cultivation. Our Government may adopt this policy. I would conclude by saying that our Forest department instead of allowing jungle trees to grow, should grow fruit-trees and other useful trees. The Government are allotting forest lands for use by cattle; I think they should reserve some land for the benefit of the ryots so that they may grow fruit crops or cultivate the land and live honourable lives thereby."

* Mr. K. P. RAMAN MENON:—"Sir, I wish to make one suggestion; that is the reason why I intervene in this debate. As has been observed by various speakers, the Forest department is doing very good work. Mr. Sreshta dealt with the match industry in his speech which is a nascent industry in this country. The Forest department can make experiments with reference to light woods and find out if there are light woods suitable for match sticks. That is a direction in which investigation can be made and I am quite certain that the forests of Malabar, of which my hon. Friend is aware, can produce trees which would be suitable for this industry. If some officer is told off to make investigations in this direction, I am quite certain that a new source of income can be tapped by the general public and by the Government in particular."

* Mr. A. B. SHETTY:—"Sir, some reduction in establishment has been made in this department as a result of the proposals made by the Retrenchment Committee. The cadre of officers of the Indian and Madras Forest Service was in excess of the number of posts sanctioned by Government as a result of reorganization. I would like to know whether it still continues to be in excess of the sanctioned number of posts. The cost of the establishment of this department is said to be much larger in proportion to the revenue it gives, than it is in other Provinces, at all events in most other Provinces. The department is admitted to be top-heavy. I suppose the number of Conservators has been reduced from 6 to 5. Each of these Conservators is in charge of an area of 3,130 square miles. If the number of Conservators is reduced to 4, each would continue to be in charge of an area of 3,912 square miles, compared with 4,741 square miles which a Conservator had under him prior to 1921. Many of the duties which fell largely upon these Conservators in years past have been to some extent relieved by opening separate working plans, utilization and research branches with special officers in charge of them. It is therefore possible now to reduce the number of Conservators by one more without causing much inconvenience since the area under each Conservator would still be less than what it was prior to 1921 as I have already stated. As regards the post of the Forest Engineer, the Retrenchment Committee was not satisfied that he had sufficient essential work to do. They wanted the Government to find out whether it is a question of inventing occupation for him or whether he has got sufficient work. The old practice was to depend upon the engineering knowledge of the ordinary officers in the department. I wish to know whether it is not possible to revert to the old practice and do away with this post as a measure of economy."

[Mr. A. B. Shetty]

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"As regards the forest policy, my hon. Friend, Mr. Sreshta, has dealt exhaustively with this matter. He has quoted the forest policy laid down by the Government of India in their resolution and the declarations made by high officers like Sir Archibald Campbell and Sir Thomas Moir in this matter. He has pleaded eloquently for the restoration of the forest concessions which have been withdrawn in South Kanara from April last and my hon. Friend, Mr. Sami Venkatachalam Chetti, who had occasion to visit South Kanara recently, has supported the request made by him. The report of the Forest department says:— 'Generally the department supplied adequately the domestic and agricultural requirements of the people. The removal of manure leaves has been allowed in divisions which were unable to do without it.' This privilege has been withdrawn in certain areas in South Kanara. In reply to a question put in this Council last year, the Government have admitted that cultivation work in South Kanara needs the help of manure leaves from reserved forests at least in certain places. It is, therefore, the duty of the Government to see that cultivation work is helped by giving manure leaves from forests wherever it is necessary. Several questions have been asked in this Council and representations have been made to Government from various public bodies in South Kanara asking Government to restore the concessions. The Hon. the Law Member has told us that the matter is under consideration. As has been stated by previous speakers, the Hon. the Law Member being a gentleman of the West Coast, he is in a position to know best the needs and difficulties of the ryots in our part of the country. He is the first and the only Member in charge of the Forest portfolio who has so far visited South Kanara during his term of office. He has passed through some forest areas and he has personally seen what the difficulties of the people are. He has raised high hopes by the sympathetic way in which he listened to the grievances of the people. It is unfortunate that instead of remedying any of the grievances complained of, he should have given his consent to the withdrawal of the few concessions which the people have been enjoying. This is surely the unkindest cut of all. I hope that the Hon. the Law Member before he lays down the reins of high office which he has held so worthily and well, will do this last act of favour and earn the gratitude of thousands of poor ryots suffering great hardship at present on account of the withdrawal of concessions in reserved forests in my district."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, going through the administration report of the Forest department, I find that this department has worked as a public utility department and the money spent on this department has been used well. Speaking from the Depressed Classes' point of view, I think the department has not afforded any facilities to the unfortunate people. During the previous years, speaking on the same demand, myself and some representatives of the Depressed Classes were urging on the Government the desirability of giving facilities for free fuel, free manure leaves and free timber at times of necessity for the Depressed Classes."

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“The recent visitation of the cyclone has left the people in the most 1-15 miserable condition and they were even left without any dwelling huts. p.m. It is for this reason that we have been agitating here that these people should have some dwellings worth the name and that the Government should come to their rescue by giving them free timber.

“Going through the report, I find that no mention has been made of any such facility. As already observed by my hon. Friend, at page 20 of the report, we are told that the Forest department supply adequately the domestic and agricultural needs of the people. Sir, I am myself an agriculturist and I do not think the department has been giving any facility to me. Now with the rapid transport convenience, with motor cars, the livestock has been diminishing. Why? Because we are not being given that facility which we used to be given in years past. Cattle are not generally allowed to pass through roads. Similar restrictions obtain even in forests. I think, Sir, it is high time that the Government give some facility to the cultivators.

“Again I find from the report that there has been an increase in the number of crimes by way of entry of cattle into forests. That shows that the people are not in a position to pay the fee for permits and that therefore they get into trouble. The report says that a measure of important administrative convenience was carried during the year, by separating the ministerial service of the Forest department from that of the Collectorate. Last year, I brought to the notice of the Government the decisions of some of the important Revenue Board Members where they accepted the policy of having the ministerial services of both the departments under one head. The Government, however, seem to have come to the conclusion that the separation of the two departments is necessary. At page 26 of the Administration Report, I find that ‘one ranger, four foresters, twenty guards, nine watchers, a tanadar, five clerks and three menials died during the year.’ Nothing is mentioned about the families of these subordinates. Also ‘in South Coimbatore a sum of Rs. 651 was spent on anti-malarial measures in the interest of the subordinates and labourers.’ Sir, a department which has to carry on operations in a malarial tract, such as in forests, would be benefited to a great extent by being coupled with the Revenue department; that would be more in the interests of the people who are serving in that department. I do not know if this move on the part of the Government is going to be a beneficial one; but it is a matter of time, to know whether it will be so.

“Again, Sir, I find from the report that the Government propose to retain the retail sale of sandalwood. I welcome this idea; because at a time like this when the Savarna Hindus are performing yagas for their past sins, I think the Sanatanists and those of their way of thinking will welcome this.

“Another point that appears in the report is that large profits have been made by exporting timber. I think it is a very good move and with the recent development of bridges and equipments in Nilambur

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forests, the Forest department will be making more and more profits. In one of the chapters of the report, I also found that the Government propose to make some transit rules with regard to sandalwood. I am sure when they make the rules, they will consult the people who are in the vicinity of the forests on the question whether those rules would give them any greater facilities or would add to the difficulties that already exist.

“One other point which I wish to refer to is the question of manure leaves. Recently many companies have come into existence for manufacturing fertilizers and they are trying to go to the agriculturists and burden them with the cost of the fertilizers, though they are not in a position to meet the high cost thereof. After all, what the agriculturist requires of the Government is free manure leaves; and these manure leaves are not at present bringing much profit to the Government. Why not the poor agriculturist in these days of hardship be at least allowed this concession? Moreover, I do not find there is any check on the growing import of fertilizers and it is time that the Government, by stocking the manure leaves in convenient places, made some money instead of the leaves rotting in the forests and allowing profits to be made by the manufacturers of these fertilizers.

“Lastly, Sir, I find from the report that the Government have increased the reserved forest area. In some places, I think, it will not be advisable for the Government to increase the reserved forest area. Reserved forests mean a great difficulty for the agriculturists who live near by. For instance, people who were taken as captives in the Boer War were kept in a place in the Kaity village; after the Boers left the place, the whole area was brought under Eucalyptus cultivation and the villagers near by had free access to that place and took their cattle there to graze. Recently, the Forest Officer of the district seems to have recommended that this plot should be transferred to the reserved forest area. The villagers have appealed to the Government, the District Forest Officer and to the Collector of the district. If this transfer takes place, I am afraid that the ryots will be greatly inconvenienced. I hope that the Hon. the Law Member who has this portfolio will kindly see that this is not done, in the interests of these poor ryots.”

* MR. M. DEVADASAN:—“Sir, I do not want to cover the same ground as was covered by my friends who have spoken before me but shall confine myself to the cut motions which I have given notice of. We find in the administration report of the department that the work of the Forest department was carried on as it was in the past and that department always gets a good word from the Government. I am not going to criticize the report in any detail, but I want to point out certain difficulties which the agriculturists have been experiencing for some time along with other Members of this House. I have several times pointed out the grievances of the agriculturists to the Government and every time I was told that necessary relief would be afforded by opening up larger areas for the grazing of cattle, and that fees for green manure

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would be reduced. But the old rates still remain as before. I request the Hon. the Law Member to consider the question in detail and do whatever is necessary, by reducing the rates for green manure, by opening up larger areas for cattle, etc.

“ I have given a cut motion, Sir, for the purpose of drawing the attention of Government to the necessity of appointing Depressed Classes as forest guards, and watchers. I am not tired of representing the grievances of the Depressed Classes. Already I said that stamp vendors should be chosen from among Depressed Classes, I submit that the claims of the Depressed Classes in the matter of appointments to the Forest department are not fully considered by the authorities concerned. People of the Depressed Classes are applying in considerable numbers for these appointments, and yet they have not been appointed. After all, these appointments are very low in rank; and they do not require any high qualification from the applicants. It is enough if the applicants have got sufficient education to read and write. These posts are however given to others. There was a Muhammadan District Forest Officer in Tinnevely who was very considerate in the treatment of the claims of the Depressed Classes; and he took some men into the service while he was there; but since he left, the claims of the Depressed Classes have not been considered in the same manner. At the instance of the forest rangers, guards and watchers are appointed in the various ranges; and it is very difficult for young men of the Depressed Class to secure those posts. I request therefore that the Hon. the Law Member will be pleased to instruct the authorities concerned to liberally appoint the Depressed Class people as forest guards and watchers. They have the necessary health and physique to do the duties that are expected of these forest guards and watchers. Forest life is a hard life, and the Depressed Classes whom I represent here, are the fit persons to lead a hard life.”

“ The next question that I want to deal with is the one referred to 1-30 by my friend, Mr. Premayya. He says that growth of fruit trees p.m. should be encouraged. Government may find it very profitable to themselves if they do so. Formerly, some lands used to be disforested and given to the Depressed Classes. Of late, the Government seem to have given up that policy and they do not assign any lands in the forests in favour of the Depressed Classes. If the lands are assigned, and the Depressed Classes are allowed to plant fruit-bearing trees, it will be a great help to the Depressed Classes, while at the same time it will bring some profit to the Government in the shape of revenue for the land assigned to them.

“ The next important question, Sir, is the preservation of wild life. It has already received some consideration at the hands of His Excellency the Governor and others who own forests. I agree that wild life should be preserved. I submit, Sir, that innocuous animals which do not damage the crops are destroyed by men who go hunting in thick forests, in spite of the vigilance of our forest officers. I am not saying that

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animals which destroy crops such as the wild boar, should be preserved. When I speak of preservation, it is only with reference to animals that add to the beauty and grandeur of the forest. Hon. Members are aware that recently in the Cumbum valley, some fourteen elephants died as a result of their having eaten a poisonous herb. We do not know what the Government have done in the matter. In conclusion, I support the motion."

The House adjourned for lunch.

After Lunch (2-35 p.m.)

Mrs. K. ALAMELUMANGATHAYARAMMA spoke in Tamil.

2-45
p.m.

Diwan Bahadur S. ELLAPPA CHETTIYAR:—" Mr. President, Sir, I wish to say a few words on this cut motion with a view to discuss the need for reducing the seigniorage on the removal of leaf manure and the grazing fees, and also the need for effecting uniformity in the rate of seigniorage fee charged by the Forest panchayats for quarrying road materials for local fund purposes.

" Sir, the rates of fees charged for collecting leaf manure and for grazing in the forests managed departmentally and through the agency of forest panchayats have more than doubled within recent times. As the incidence of such heavy burden on the poor agriculturists is keenly felt by them particularly in these days of general economic depression, I wish to urge upon the Government the necessity to reduce the rates within reasonable limits so as to protect the poor agriculturists and their cattle.

" Again, I believe, Government are aware that a good number of quarries for metal and gravel required for road maintenance are located in panchayat forests. I do not quarrel with the panchayats levying a reasonable seigniorage fee for mining in those quarries. But the rates imposed by some panchayats are anything but reasonable. Although the works are got executed through private agency, the incidence of seigniorage fees falls indirectly on the local boards. The rates must not be left to the caprice of individual panchayats, but must be reduced to a uniform standard. The matter is one of sufficient urgency and importance for the Government to interfere. I earnestly wish that the Government will effect some change in the existing conditions at an early date."

Mr. V. T. ARASU:—" Mr. President, Sir, I wish to associate myself with the remarks made by the previous speakers on this cut motion. Last year, it will be remembered, that I have pointed out to the Hon. the Law Member, who is in charge of this portfolio, that our forests have not been exploited properly to the advantage of the Government. It is well known, that we have in this Presidency over 18,993 square miles of reserved forests. But, in spite of this extensive area of reserved forests, it is regrettable that the net income from these forests has

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been only 4.71 lakhs during the year 1932-33. While in the other Provinces like Mysore and even in such small States like Travancore where the area of reserved forests is considerably less than what we have, their net revenue is very much more than what we derive from our forests. If you take, for instance, forests under the Mysore Government, there the total area of reserved forests is somewhere about 6,000 square miles and the net income derived by the Mysore Government amounts to 11 lakhs; and in the Travancore State, where the extent of forests is about 1,200 square miles, the revenue amounts to 2 lakhs. From the above figures, it will be evident to the Hon. the Law Member that our forests have not been properly exploited and that they are not made to yield an increased return to the Government.

“As regards the ways and means by which our forests may be made to yield greater revenue to Government, I made some suggestions while speaking on an identical motion last year—and I believe the Hon. the Law Member has not forgotten about it—and I once again request the Hon. the Law Member to see that these suggestions *re* the ways and means by which our forests can be exploited to the maximum advantage are fully considered. I hope that the Hon. the Law Member will see his way to give effect to them wherever possible.

“There are one or two minor points regarding which I should like to make a few observations. I am sorry to note, Sir, that year after year the Government are going on increasing the extent of these reserved forests. I may point out, Sir, that in the year 1931-32 the total extent of reserved forests in this Presidency was 18,955 square miles and that by the end of 1932-33, it has gone up to 18,993 square miles, so that there has been an increase of about 38 square miles in the extent of reserved forests. This process of increasing the area of reserved forests has been going on from year to year to the greatest detriment of the villages abutting these reserved forests. The policy of the Government evidently appears to be to include even shrubs which cannot be really called forests and bring them into the category of reserved forests and this policy, as I have already stated, has been going on year after year in spite of the complaints lodged by the villages abutting these reserved forests. The result of this increase is that it puts the villagers to a considerable difficulty and in certain cases they are also harassed by unscrupulous officers in the Forest department. For instance, if cattle of these villages happen to stray occasionally into these forests, they are being hauled up and heavy fines are imposed on the owners of such cattle. I would therefore suggest that Government should bring into the category of reserved forests only such areas which have got a dense vegetation and not mere shrubs and plants.

“The other grievance that is felt by the villagers—and I speak about it on the authority of my hon. Friend the Pattagar of Palayakottai, the Hon. Member representing Coimbatore—is that in that district the villagers are permitted on payment of certain fees to graze their cattle in the adjoining reserved forests, but I understand that in these areas

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there is absolutely no drinking water for the animals. I would therefore suggest to the Government that they should take steps to see that small tanks are dug in these forests, so that the cattle which are allowed to graze may have the advantage of drinking water from out of those tanks. Otherwise the agriculturists will find it difficult to take advantage of the grazing facilities given by Government to their cattle. If those facilities are to be taken advantage of in an increasing measure the Government should provide drinking water facilities for these cattle.

“ I would like also to make one or two suggestions regarding the utilization of the produce of the forests by the Government. I find from the latest report on the Forest department that large quantities of sandalwood or its substitute are being imported into this Province from outside countries. I am glad to note that this Government have suggested to the Government of India the idea of levying an import duty on sandalwood and other substitutes which are being imported from other countries. I wish the Government do not leave this matter at this stage, but press upon the Government of India the need for imposing an import duty on sandalwood and other substitutes imported from Africa and other places.

“ Then Sir, the other produce which is productive of a considerable amount of revenue to Government from these forests is the bark which is being used for tanning purposes. Even in this case, I find that the revenue derived by Government has been going down year after year. Whereas in the year 1931–32, their revenue was over 6 lakhs, I find that in the year 1932–33 it has gone down to 5.67 lakhs; that means there has been a decrease of about Rs. 40,000 from that source. I suggest that even in the case of these barks, the Government of Madras should address the Government of India in regard to the levy of an import duty on such tanning barks which are being imported in large quantities from other countries. Tanning bark is a substance which is widely in demand in view of the fact that tanning industry has been on the up grade during the last few years. I would therefore suggest that if Government are going to make any increased revenues, or are determined to derive increased revenue from this source, they should ask the Government of India to levy an import duty on these tanning barks as well.

“ In conclusion, I would only make one appeal to the Government and that is, that they should consume the timber that is grown in their own forests for building Government offices and the like. I am sorry to note, that large quantities of Burma teak have been utilized for several of the big buildings that Government have put up at enormous cost, when large quantities of teak are available in their own forests. I therefore suggest to the Government to send round a circular to the various departments under them, particularly the Public Works Department, and compel them to use the timber grown in the forests of this Presidency in preference to teak that is being imported from Burma and other places. If that is done, I am sure the revenue from the sale of these teaks would considerably increase.

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“ These are the few points which are uppermost in my mind at present and I believe the Hon. the Law Member would consider them seriously and do something in the matter before he lays down his office of Law Member.”

* Mr. K. A. NACHAYAPPA GOUNDER:—“ Mr. President, Sir, from a perusal of the figures for 1934-35 in the Budget Memorandum, I find that the total revenue derived from the forests is 42.85 lakhs and the expenditure on establishment and other charges is 35.02 lakhs. From this one can see that almost the entire revenue that is got from these forests is consumed by its establishment, etc., charges themselves. Taking the higher appointments in this department into consideration, I find, Sir, there are a number of Conservators, Assistant Conservators, Extra Assistant Conservators and so on. I would like to suggest to Government to consider whether it would not be possible to reduce expenditure in the higher establishments of this department, so that the savings effected thereby may go to help the poor villagers by way of grazing reduction in grazing and other fees now extracted from the poor peasants.

“ Then, Sir, in regard to grazing fees, I find that higher rates of fees are levied since the year 1918 onwards.

“ In the answer furnished by the Hon. Member to a question of mine 3 p.m. on the 10th March, I am able to know, Sir, that such a high amount as Rs. 3 is levied in certain panchayat forests for each buffalo and Rs. 2 is charged for such animals, in certain forests maintained by Government. The enhancement of grazing fees has been made at a season when the agriculturists found their time very prosperous. Whatever may be the rate, they were able to pay them ungrudgingly all along. But now, since there is an all-round depression, the ryots are unable to pay even their land-tax and obviously it is too much to expect them to pay such a high rate of grazing fees. So, Sir, it is time for the Government to reduce the rates of grazing fees. With regard to the panchayat forests, the Government may very well say, Sir, that the panchayats are in the hands of local people and they must find their way to reduce such fees. But I think the rates ruling in the forest panchayats are chiefly controlled by the Revenue Department, and from the rates prevailing to-day it would be seen that the forest panchayat and the Revenue Department have not realized the situation, and come forward to help the poor ryots. So I wish Government should interfere and press them to levy a low and uniform rate of grazing fees. Many and varied are the forest grievances of the district, which I have the honour to represent. People of the Harur taluk complain, Sir, that the forest limits are quite close to the dwelling places and thereby they are put to much trouble and difficulties. The cattle as soon as they are let loose from their stand enter the forest limits reserved; for the acts of these innocent dumb creatures the ryots have to pay heavy penalties. The people find it very difficult to get on with the forest limits quite close to their quarters. So, I request Government to go into the question and see that the difficulties are immediately

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removed. The people of Harur taluk met in a conference some time ago and represented many of their grievances in this behalf to the Government. I do not know what remedy they were afforded or whether the papers were simply lodged. With regard to the provision of free grazing facilities, I made some observations when I spoke on a similar demand in 1931. As you know, Sir, the district of Salem is a dry area and the agriculturists have no adequate grazing facilities. Every place which will afford grazing facilities is reserved and left under the control of the forest panchayats, so much so the ryots are put to the necessity of paying high rate of fees for grazing their cattle and it is very difficult for them to pay for the grazing of their cattle which is their sole property, especially at a time when their resources are completely run out. I have specifically mentioned one of such forest panchayats where free grazing should be provided when I spoke in 1931. But I find that nothing has been done for it for the past three years. There are similar places where people feel much difficulty in respect of grazing facilities. In such places the reservation should be removed and the place should be thrown open to the public for grazing purposes. I also like to make a few observations with regard to assignment of forest lands in my district. Some disafforestations have been made in recent times in my district and I think, Sir, a major portion of the land is pending assignment for the past some years. I am made to understand that it is still pending with the Revenue Department. I would urge that the assignment should be made as early as possible. In some areas in the work of disafforestation, I understand that the services of the people of the locality were engaged on the understanding that they would be given preference in the case of assignments. On that understanding, I hear a number of people volunteered their services and worked free of charge in clearing the forests in those areas. In such places, I hope, the department and the Government would give due weight to promises held out and assign the lands to these persons.

“ With these words, Sir, I request the Government to take effective and immediate steps to help the people as much as possible in the directions I have referred to.”

MR. U. C. SUBRAHMANYA BHATT:—“ Mr. President, Sir, in supporting this cut motion, I should like to say that it is with a certain amount of disgust at the way in which the Government has been meeting the agitation in South Kanara on the question of the forest grievances of the ryots of South Kanara that I rise to speak. The policy of the Government appears to be that of the Roman Emperor, Nero, who appears to have been fiddling when Rome was burning. Of course, though not to such a degree, the policy is something which approaches that. Mr. President, Sir, if I use this language, it is not with the view of criticizing Government or criticizing the Hon. the Law Member, but it is simply to impress upon the Government and the Hon. the Law Member the seriousness of the situation of the ryots in South Kanara, and the seriousness we feel on the whole question. Nobody would have

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expected, Sir, at a time like this that the Government would be withdrawing the privileges which the ryots were enjoying for a long time in the reserved forests. This is a time of exceptional financial distress. This is a time when the yield from the land has gone down. This is a time when the ryot finds it difficult to pay even his tax. At this time, instead of aiding the ryot, the Government has withdrawn the privileges he has been enjoying in the Government forests all these years. The matter may not be serious elsewhere. But so far as South Kanara is concerned, the ryot has to depend entirely for his manure and cultivation on the privileges from these forests. Without them, it is absolutely impossible to go on with the cultivation. No doubt, Sir, the Hon. the Law Member would come forward with the plea that it was not as a matter of right that the ryot was enjoying the privileges all these years. My submission, Sir, is, it was the ignorance of the ryot of South Kanara which has brought him to such a plight. As a matter of fact, he was the owner of the land from the bottom to the top in a hill. At the time of settlement, it was only those portions of the land which were cultivated for which he was given a patta, and his ignorance went to the extent of not asking for the rest of the land. Then, Government claimed it as its own land. Literally, this went on on a wide scale so that one-third of South Kanara is now a forest area. Though the land was entered as a Government land, the ryot was enjoying the privileges which he used to enjoy in the land actually belonging to him and now the Government came forward and said with one stroke of the pen that they deprived him of all the privileges. Ever since the privileges were withdrawn, from public platform after public platform the landlords and ryots of the district have asked for redress of grievances. We, in this Council, took every opportunity to press upon the Government for the redress of these grievances. The only answer that we got was that the matter was under consideration, that the Collector had been informed about it and that he would be conducting an enquiry. But the cultivator cannot go on with his cultivation in this state of affairs. May I ask if the attitude of the Government is not that of Nero? Then, Sir, I would humbly submit to the Government that the Government can take their own time to go into the question at their leisure. But in the meantime, let them allow the ryots the benefit of continuance of the enjoyment of the privileges, and, they can come to a consideration later on. If the privileges are not to be granted according to their final conclusion, let the privileges be then withdrawn. Until the final decision is taken, let the ryots of the districts be allowed to enjoy those privileges which admittedly they have been enjoying till last year. Then, Sir, it has been said that an opportunity was given to the people to object to the withdrawal, but still the people of the district did not put forward any objections. In the first place, I must state that the Landholders' Association of South Kanara did pass a resolution and did object to the withdrawal of these privileges before the time allotted and communicated that to the Collector as well as Government. As a body, the Association which represents the ryots

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has objected to it. It is not correct to say that the people of the district have not objected to it. Then it was said that the Government was going to withdraw the privileges and that the matter was made public by tom-tom and by publication in the gazettes. This is a sort of publication which could have reached the ears of not even a few of the illiterate and uneducated villagers. So far as tom-tom is concerned, the tom-tom is only a tom-tom on paper and not a tom-tom in fact. I am sure that, if the ryots had known that the privileges were going to be withdrawn, I say, Sir, they would not have kept quiet all this time. This tom-tom therefore I really say must have been a tom-tom on paper and not in fact. So far as the gazette notification is concerned, I do not know whether there is any ryot who reads a gazette. There has been this serious irregularity in this question of the publication and therefore too much should not be made of that. In the next place, I must state that this Government appears to care very much for the inhabitants of the forests and for everything else except the poor ryot, who is a human being, so far as our district is concerned. When South Kanara was not covered with Government forests to this extent as it is now, there was not so much of malaria, and the cultivation was being carried on happily by the people without any molestation by wild beasts. But this process of afforestation of almost all available Government lands has been carried on to such an extent that with every afforestation—on the heels of each—there is malaria also spreading itself.

3-15
p. m. " On this question, several times, I have referred the Hon. the Law Member to the report of the Malaria officer. Dr. Raghavendra Rao who was the special officer deputed to study the question and find out the reasons for the growth of and remedy for malaria worked on this question and came to the conclusion that the growth of malaria in the district was due to the contiguity of reserved forests. My submission therefore is that, instead of creating new forests, we must disafforest the existing forest areas.

" Then I learn that lately a working plans officer was deputed to the district of South Kanara and that he, after working there for two or three years, submitted plans for the working of the reserved forests, but that his working plans have not been given effect to, preference having been given to the plans prepared by the District Forest Officer, one Mr. Padmanabha Pillai, for working the unreserved forests. It seems that it is in consequence of this arrangement that the Government have been compelled to deny these privileges to the people. I leave it at that. I do not know how far it is correct. It is only the Hon. the Law Member that can enlighten us on this point."

* The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, I was very glad to note that my hon. Friend, Mr. Sreshta, who is the mover of this cut motion, paid a very handsome compliment to the efficiency of the Forest department and the way in which it is worked. My hon. Friend quoted certain extracts from the speeches of some of my predecessors and others to the effect that the Forest department

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is a handmaid to agriculture. I fully admit the validity and the correctness of those observations. The Forest department is certainly a handmaid to agriculture and it is because the Government want to protect the interests of the agriculturists that they are taking so much care in the preservation of these reserved forests. For, if the Government did not take care of these reserved forests, each individual cultivator naturally, without caring for the interests of the agriculturists as a whole, is likely to so work the reserve forests that in a very short time they will disappear.

“ Then, my hon. Friend, Mr. Sreshta, and some other friends also, for instance, Mr. K. P. Raman Menon and Mrs. Alamelumangathayammal, referred to the desirability of the Forest department encouraging the match industry. Now, this is a subject which pertains to my Hon. Colleague the Minister in charge of Industries. But I may say this, that so far as it is possible for the Forest department, this department will co-operate heartily in any attempt that may be made by the Hon. Minister in charge of Industries to introduce or improve the match industry. The match industry is particularly important in the eyes of the public now by reason of the excise duty that has been levied upon it by the Supreme Government. As my hon. Friends know, I am not an expert in this match industry and therefore I am not in a position to say whether our forests contain trees which are fit for the manufacture of match sticks. But, from the knowledge that I derived when I was in charge of the Forest department in Travancore, I may say this: that our forests generally contain a large number of trees which are excellent for match industry. All our junglewood trees are fit for being used in this industry. Therefore, as I said, the Forest department will only be too glad to co-operate with the Industries department with regard to the establishment and improvement of the match industry.

“ My hon. Friends, Messrs. Sreshta, Subrahmanya Bhatt and Shetty, coming from South Kanara, and my hon. Friend, Mr. Sami Venkatachalam Chetti, complained that the concessions which existed in the South Kanara district have been withdrawn and urged their restoration. Sir, before I come to the stage which this question has now reached, I may, in one or two words, refer to the reasons for which these concessions were withdrawn. To make my position clear I shall refer to one or two of these concessions. The trees in the South Kanara reserved forests are divided into two classes, known in the language of the department as ‘classified trees and unclassified trees. One of the privileges granted to the ryots of the South Kanara district was that they were allowed to remove, without any payment to the Forest department, green manure leaves from the unclassified trees. That is a privilege which exists in no other part of the Presidency. Another concession that was being enjoyed by these ryots was that they were at liberty, again without any payment to the Forest department, to remove dead leaves. They had a third privilege and that was the right of

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removal by them, free of any charge, dead trees for fuel. As I submitted, not only the first concession, but the second and third concessions also were peculiar to the South Kanara district. Now, for a long time past, in fact from 1925 onwards the Government have been receiving reports from their officers, stating that these privileges were being abused by the people concerned. For instance, in 1924, 1925, 1926 and so on up to 1932 reports were being received by the Government that manure leaves from classified trees were being removed and that trees which were green whether classified or not, were being hacked to pieces so that they might be converted in course of time into dead trees and removed for fuel. In addition to reports from the department, the Government also received reports from the Collector on one or two occasions. In spite of all this, the Government stayed their hands and allowed the people to enjoy the concession. They were not willing to stop it. Ultimately, however, in 1932, on account of the repeated reports of the head of Forest department, it became impossible for the Government to continue this concession. And what did they do? They said the concession ought not to be suddenly withdrawn. Let the people have sufficient notice of the intention of the Government to withdraw the concession. Let this fact be published in the gazette, by beat of tom-tom in the villages and in all other ways possible, so that the people might come forward with their objections, if any, to the proposed withdrawal. Not a single petition or objection was received for a long time thereafter and then, ultimately, the Government sanctioned the withdrawal of the concession. As soon as the concession was withdrawn, petitions, memorials and resolutions of meetings were pouring in and my hon. Friends were bombarding the Government—I do not blame them for that—with questions. Naturally, I paid attention to them. The Collector of the district, the Conservator, and the District Forest Officer recently inspected some of these reserved forests and had consultations with the people. The reports of these inspections are awaited. Now I can promise my hon. Friend, Mr. Sreshta, that as soon as the Government receive the report of the Chief Conservator of Forests and the report of the Collector, they will consider them very carefully and even with sympathy, wherever possible. There the matter stands at present.

“My hon. Friends, Messrs. Sreshta and Bhatt, referred to the existence of malaria. I am afraid that this is a question which must be addressed to my Hon. Colleague the Minister in charge of Public Health. Of course, so far as the department in my charge is concerned, I am willing to supply any amount of quinine to the Public Health department. Mr. Hon. Colleague who is in charge of the Health department will carefully consider these suggestions and will do whatever is necessary. Here again, this department will gladly co-operate with the Public Health department.

“My hon. Friend, Mr. Premayya, made certain suggestions which the Government will bear in mind.

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“ One hon. Member referred to the desirability of providing for larger and more extensive areas for grazing and of reducing the rates of grazing fees. I am very sorry to say, whatever my sympathy with this request may be, that I cannot hold out any hope. As a matter of fact, recently the Government consulted the several officers concerned, on this matter. They were all for enhancing the fees for grazing and manure leaves. But the Government said that on account of the depression they were not willing to enhance the fees now. There is also this to be said in respect of the fees for grazing and manure leaves. My hon. Friends will remember that the forests generally are divided into two classes, those that are directly in the possession of the Government through the department and those that are in the possession of the people themselves through their panchayats. Now, those forests that are in the direct possession of the Government consist of the forests which are useful for the purpose of big timber and forests which are necessary for climatic purposes. In this connexion, my hon. Friends, Mr. Sreshita and others, stated that the forests, though said to be necessary for rainfall, are really not necessary. I do not say that forests are necessary for rainfall. As a matter of fact, this is a controversial question. Some experts are of the opinion that trees are necessary for attracting rain clouds while others deny that this is so. But whatever that may be, there is no doubt that the forests are really necessary for the retention of moisture and that therefore for climatic purposes they ought to be preserved. So, it is for climatic purposes and for growing big timber trees that important forests are in the possession of the Government. It is for this reason also that it is not always possible to afford ample grazing grounds for cattle in Government forests. But, wherever possible Government are only too ready and willing to afford grazing grounds for cattle and facilities for removing manure leaves.

“ The Government trust that the people will help themselves in other ways for improving agriculture. I know that the Agricultural Department is assisting cultivators in every possible way in growing manure crops, so that their cultivation may be improved. Thus, the Government are ready, as far as possible, to help the people with grazing grounds and facilities for the removal of manure leaves, for which of course they levy a fee. 3-30 p.m.

“ Mr. Shetty referred to the desirability of decreasing the number of officers in this department. I may tell my Friend that the Retrenchment Committee recommended the examination of this question to the Government. They accordingly went into the question of reducing the existing number of Conservators, and after a great deal of correspondence and personal conversations, came to the conclusions that it was not possible to reduce the existing number.

“ Mr. Shetty also referred to the desirability of doing away with the services of the Forest Engineer, and added that his duty could be safely entrusted to the District Forest Officers. I may tell him that it is not possible to do so. As he knows, these are days of specialization,

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Important engineering works have to be executed, and these works cannot be entrusted to District Forest Officers. We have now only one engineer in this department and I do not know what the consequences will be if that post is abolished.

“ I am sorry that, as the time at my disposal is very short, I cannot answer all the points raised by Mr. Arasu, but I shall remember his suggestions. I accepted one of the suggestions which he made last year. I have accordingly issued a circular to the Chief Conservator of Forests, and asked him to prefer, whenever possible, local teak timber to Burma timber.”

* The Hon. Sir ARCHIBALD CAMPBELL:—“ Mr. President, Sir, in the short space of two or three minutes at my disposal I shall very briefly deal with three points. Mr. Nachiyappa Gounder said that there was some delay in the assignment of land which had been disafforested and that persons interested are being put to difficulty on account of the delay. If particulars of the cases are supplied to me, I shall be glad to cause inquiries to be made.

“ Mr. Ellappa Chettiyar referred to the high fees levied by forest panchayats for quarrying road materials from local boards and their contractors. When quarrying material is available in areas managed by forest panchayats, the panchayats are entitled to issue permits for its removal on payment of a seigniorage. Departments of Government, and after them, local bodies and their contractors are given priority in respect of permits issued by the panchayats for quarrying for works carried out wholly at the cost of the Government or local bodies. But this is also subject to the payment of seigniorage in accordance with the rates fixed in the agreement executed by the panchayats. The rates are uniform throughout the Presidency except in regard to four districts, namely, Chittoor, South Kanara, South Arcot and Trichinopoly. The rates in other districts including Salem are one anna per cart-load of rough stone, two annas per cart-load of chiselled stone and six pies per cart-load of metal, gravel, earth or turf. I have been unable in the time at my disposal to ascertain all the rates, but I will enquire into the matter.

“ I am glad to notice that Mr. Devadasan has expressed his approval of the formation of a society for the preservation of wild life in South India; and that no hon. Member has expressed his dissent to that proposal. Hon. Members may rest assured that that association will see that their proposals for the preservation of wild life will not jeopardize the safety of human beings or crops. I fear, however, that the association will not be able to prevent such accidents as that which led to the death of 12 wild elephants in the Cumbum valley in the Madura district on the borders of Travancore. The post-mortem examination revealed the fact that they perished from feeding on a poisonous crop. The Tamil name of the crop is ‘ Varagu ’ and its technical name is Paspalum Siró-biculatum. Dr. Watts in ‘ The Commercial Products of India ’ says,

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'though used as food by a large number of people in India, the grain cannot be considered a wholesale article of diet, and in some seasons it contains a poisonous narcotic property. . . . Damp cloudy weather towards harvest time, a damp season and damp soil, are said to produce poisonous kodra.'

From 'A note-book on Agricultural Facts and Figures' by Mr. Cecilwood, I find that that this crop is grown on about 1,125,000 acres and it is therefore not possible to prohibit the cultivation of this crop. I fear that nothing can be done to prevent such accidents."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, I note with thanks the assurance given by the Hon. Member that he will sympathetically consider the grievances which have been brought to his notice. I trust he will expedite the receipt of reports, and that when they are received he will keep his word (laughter) and will sympathetically consider all the statements in the various petitions. With these words, Sir, I withdraw my motion."

The cut motion was by leave withdrawn.

The Demand was put and carried, and the grant was made.

DEMAND V—REGISTRATION—TRANSFERRED.

* The Hon. Mr. P. T. RAJAN:—"Mr. President, Sir, on the recommendation of His Excellency the Governor I beg to move—

'that the Government be granted a sum not exceeding Rs. 29,57,500 under Demand V—Registration—Transferred'."

* Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I beg to move—

'that a sum of Rs. 100 be reduced under the allotment of Rs. 24,000 for Superintendence'

to discuss the policy.

"Sir, since the Council has been meeting year after year just to discuss the policy of the Government with regard to each of its departments on the occasion of the demands put to them by the Ministers or the Members, as the case may be,—on each of those occasions we have been trying our best to put forward the cause of the people, so that the Ministers or the Members concerned may revise their policy with a view to affording some relief to the people affected. So far as the department of Registration is concerned, when I spoke on this demand last year, I said that there was nothing to be said against the working of this department, in view of the fact that it was presided over by an officer, who was endeavouring not only to do justice to his work, but also to see that justice was done to all communities concerned. This year I would confine my attention to some of the difficulties from which the persons who are indirectly taxed by this department are labouring under. The Government have not, as they have done in the other departments also, taken into account the economic depression generally prevalent throughout the Province, on account of which there has been so much dislocation of business, as is inevitably the case whenever there is dearth of

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money in the hands of the people. Such being the case, the people find it difficult to find money for the payment of registration fees, and if at all you see them paying, it is more because they can't but pay, as a matter of compulsion, than of their free will. That is, they pay these fees as there is no other alternative for them. Hence on this occasion I would like to put forward a plea on behalf of that large number of people who go in for registration of documents as a safety-valve and in order to get a seal of permanency or guarantee for their transactions. When they resort to registration, they do so, as I said, more on account of compulsion than out of willingness. And so Government ought not to misconstrue and draw an inference of economic progress of the people and try to make a great deal of profit out of these fees. In this connexion I particularly emphasize the case of those persons who go in for registration for amounts not more than Rs. 1,000. If only Government will look into this matter, they are sure to find that a great majority of registrations take place for sums not exceeding Rs. 1,000. And so I would very much request the Government to reduce the rates of fees, rates which were enhanced when prices were ruling high. I have no objection to these rates being levied in prosperous times. But now, in view of the fact that there is economic depression in the country and general depression, all round, the poorer classes of people are put to immense difficulties when they are called upon to pay these high fees.

3-45
p.m.

" I would on this occasion request the Hon. the Minister to bestow his best attention and see that some relief is given to that class of people.

" From the report that has been placed in our hands we find that Government has closed down some of these districts so far as registration work is concerned. I can understand that, when for purposes of retrenchment we have to reduce our expenditure, we had to close down some of these districts as registration districts. But, I am afraid that the policy of making the area of registration district larger than it ought necessarily to be would give rise to most undesirable situations. Greater distance between two registration offices will lead to the danger of corruption and greater is the difficulty which has to be undergone by the parties who go to registrar's office. Therefore, if any retrenchment has to be made, it is not by abolishing the registration offices but by some other method.

" Government also for the sake of retrenchment of expenditure resorted to the copying of documents by means of photograph. I do not know to what extent the Government is going to make a saving. Perhaps it will be a lakh or two. I would like to point out that in these days of unemployment the Government ought not to resort to any such measure, however modern it may be, which will entail in throwing a large number of people out of employment. If they do so, it will be swelling the army of the unemployed which in other countries is causing trouble to the various Governments. Luckily the army of the unemployed in this country is not so vocal or vociferous nor does it make

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itself very difficult to be dealt with. That circumstance should not make us indifferent to their case. Their case is really difficult and it will be more difficult if you resort to methods which will throw them out of employment. Government will of course find that a number of registration offices are not offices which could be classed among first-class offices which will ultimately safeguard the interests of the people. They are not industrial concerns or factories or any business concerns of that nature, which have been registered. The offices which have been registered on a large scale are only insurance companies and banks. They are on the increase. That shows also the economic condition of the people during these years.

“ With regard to the question of services themselves some years ago when the Hon. Minister was asked whether it would not be proper for him to give adequate representation to Muslims, Depressed Classes, and other backward communities, he assured us that he would look into the question and see whether it would not be possible for him to see that justice was done to those communities. But I am afraid that sufficient attention has not been paid to that question. There are only certain communities which are still allowed to continue in the same condition and occupy positions of advantage. They not only occupy the positions to which they aspired to but they have advanced far above in various other grades in the department. Certain communities have not been given the same facilities. I hope the Hon. Minister will look into this question. I understand that Government recently asked the Public Services Commission to make a selection of 20 candidates for appointment as sub-registrars. I understand further that the Commission has made selection. I think it is nearly a year or more since the selection was made and the Government have not yet made these appointments. Evidently there has been some dispute with regard to the question as to how many such appointments should go to the communities which I mentioned above and how many to clerks who acted as sub-registrars. Evidently the departmental head is making a representation on behalf of these people. I hope the Government will come to some conclusion soon. In view of the fact that selection has been made and a certain number of persons have been given the assurance that they would be appointed, and in view of the fact that these persons will be over-aged after some time and they will not be eligible for such appointments, I hope the Hon. Minister will soon make these appointments. The Hon. the Minister said that 25 per cent of these appointments would be given to the head clerks who have been acting as sub-registrars. When such is the case, I do not know why there has been delay in making these appointments. I do not know why this question is still kept pending. If it is allowed to be kept pending for a long time, a large number of candidates who have been selected will be adversely affected. In that case there is no use of asking the Public Services Commission to make the selection and not publish the list for a long time. It is not to the advantage of the Government or their reputation to call upon people to send in their applications without making a selection although the

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Public Services Commission have made their selection. These candidates will get over-aged before they are selected and will lose all their chances of promotion if they are not selected soon. I hope the Government will not make any further delay but will see that the appointments are made as early as possible.

“Regarding the selection grade appointments, so far as the number of Muhammadans is concerned, representations made on behalf of that community remain in the same stage. Although the Hon. Minister when he spoke last time said that so far as this department was concerned, he could not do full justice to the community on account of shortness of time, now it is two or three years since that assurance was given, nothing seems to have been done in that direction. I hope these questions will be looked into and that Hon. Minister will do his best to see that justice is done in that direction.”

* Rao Bahadur C. NATESA MUDALIYAR :—“I want to say only one or two words. There is a fear that there will be some more retrenchment in the Registration department. People who served the department for five or ten years are afraid that they will be sent away. We have had enough of retrenchment in the Registration department. There is a saving of $3\frac{1}{4}$ lakhs on account of retrenchment in the Registration department. Without knowing what the effect of such retrenchment would be, the Government are sending the people away. Now I request the Hon. Minister to see if he cannot, out of the $3\frac{1}{4}$ lakhs, at least spend one lakh and give some maintenance to those people who have been sent away till they are absorbed in the department which ought to be done at some time or other. Let them be kept in the waiting list. If there are vacancies, let them be absorbed. That is the request I will make to the Hon. Minister.

“Sir, the department is not much in want. Owing to the economic depression, owing to people selling their lands or mortgaging them, the revenue to the department rose by 4 lakhs. Including the $3\frac{1}{4}$ lakhs—the savings effected on account of retrenchment—with these 4 lakhs, the net saving to the Government is about 7 lakhs. I therefore request the Hon. Minister to see that those who are retrenched are given some maintenance allowance till the Hon. Minister gets them absorbed into the department or various other departments. Otherwise unemployment will increase.

“Sir, I am aware that the Inspector-General of Registration is seeing that all communities are represented in that department and all districts too. I hope he will continue doing that and that any other extraneous influence will not make him swerve from the policy he is adopting. All the communities and all the districts should be represented. That should be the attitude of the Inspector-General and also our Hon. Minister.

“One other thing which I wish to refer to is this: there are a number of banks and insurance companies which are cropping up daily

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and a number of them are being wound up also suddenly. I want the Hon. Minister to devise some machinery which will be able to prevent such a winding up or before they actually crash shareholders concerned and the people insured will come to know that such a thing is going to happen . . .”

The Hon. Mr. P. T. RAJAN :—“ May I point out that companies are not dealt with by the Registration department. They come under Reserve department which is dealt with by the Government of India.”

Rao Bahadur C. NATESA MUDALIYAR :—“ Sir, I am coming to that. I know especially in the case of insurance companies, although they are registered by the Local Government, they are not under the control of the Local Government but they are under the control of the Government of India. The knowledge that these companies are registered is an encouragement to the people to join the banks or the insurance companies that are started believing that the Madras Government have control over them. So I request the Hon. Minister to see that the Local Government gets some powers from the Central Government, so that the former may have enough of control over the companies and banks working in this Presidency. Otherwise there is no use of registering these banks and insurance companies by the Local Government. So I request the Hon. Minister to see that something is done in this direction.”

* Mr. A. B. SHETTY :—“ Mr. President, Sir, I find from the Budget ^{4 p.m.} that the revenue of the department has fallen from Rs. 34.13 lakhs to Rs. 31.21 lakhs due to decrease in registration and the money value of the documents registered while the expenditure is expected to increase from Rs. 29.08 lakhs to Rs. 29.77 lakhs in the coming year due to the extension of the photo-copying system and increments to the staff. But still there is a surplus of about Rs. 1.44 lakhs. My submission is that this surplus should not be appropriated for other purposes: it should not go to general funds but it should be utilized for opening new sub-registry offices and giving more facilities to the people for registration. The offices are not evenly distributed in all the districts. I pointed out last year that in the 12 Tamil districts there are 316 offices while in the 12 Telugu districts they have only 188 offices. In the West Coast, in Malabar, although the offices are working at a loss, that district is provided with 80 offices. South Kanara which has been giving a surplus revenue year after year has only 18 offices. Malabar has a number of superfluous clerks while the sub-registry offices in most other districts are undermanned. I asked a question with regard to the undermanning of the offices in South Kanara in October last year and the Hon. Minister admitted that several sub-registry offices in South Kanara were undermanned. On account of this, there is a great deal of difficulty and delay in regard to the giving of certified copies and encumbrance certificates. The Hon. Minister promised that the matter would be considered and necessary arrangements made. I wish to ask him, Sir, what he has done and what he proposes to do.

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“ The photo-copying of documents is said to have been developed very much in Bombay. I wish to know how far the experiment has been a success here and how it is going to be extended in the near future. The development of this system of copying documents is likely to open up prospects of further economy in this department. The money saved may be utilized for opening new offices and for giving more adequate establishment for the several offices which are now undermanned.

“ Sir, last year I pointed out the necessity of training up a class of document-writers. The Hon. Minister in his reply was pleased to say that the matter would be duly considered. I wish to know what consideration he has given to this matter. We have about 600 registration offices in this Presidency and I suppose in connexion with these offices, there would be at least 10,000 document-writers. At present village karnams, schoolmasters and such other people with little education and with no sort of training are the people who write the documents. They are ignorant of the stamp required for the various classes of documents; they do not know the rates of registration fees or the registration rules. The result of employing such quacks is badly written documents full of repetitions and errors which often-times lead to law suits. People are put to trouble in other ways also by relying on such inefficient document-writers. Insufficiently stamped documents are impounded; fines are levied by the District Registrar and deficit stamps are also levied. I would earnestly request the Hon. Minister to consider whether Government cannot think of opening one or more institutes for training document-writers just as they have classes for training people in survey and in matters of co-operation. If a class of people with sufficient education and with proper training is produced for drawing up documents properly, the Government will be conferring a great boon on the public who now suffer in various ways by resorting to untrained and ill-educated people. The registration offices also will be helped a great deal in their work. At the same time, the Hon. Minister will be doing a great service to the large army of unemployed people—men who have received secondary grade education and are without employment. He will be creating an honourable and lucrative avenue of occupation for such people.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Mr. President, Sir, formerly the Government charged no registration fees for the registration of documents of co-operative societies, but now they are charging half the ordinary rates. The object of the co-operative movement is to help the people and some concession should be shown to it. Loan transactions of co-operative societies should be distinguished from ordinary loan transactions and the Government should be willing to charge no registration fee on documents relating to them. I therefore request the Hon. Minister to allow free registration for these documents and cancel even the half-fees now charged for the co-operative societies.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ Mr. President, Sir, my hon. Friend, Mr. Shetty, suggested that document-writers should be trained by the Government. I am afraid, Sir, it is a very impracticable proposition. I do not know whether he wants a separate service of document-writers and whether he wants the Services Commission to hold

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a qualifying examination for document-writers. I think, that the expenditure involved may well be spent on training sub-registrars, many of whom have had no proper training. For some of them interpret a clause in one way and others in another way. I have referred to the same fact some time back. Under the Stamp Act, testamentary instruments such as wills need not be stamped as no stamp duty is leviable on them. But some sub-registrars levied a stamp duty on testamentary wakfs while others registered them without any stamp duty. Some of them required the full stamp duty, as on a conveyance deed, to be paid. This shows that they are not all fully equipped for the work they are called upon to do. It is better that they are given sufficient instruction in these matters.

“ With regard to the introduction of the photo-copying system, I am told that it would mean the throwing out of employment of a large number of clerks. It would be a hard lot for these clerks, many of whom have put in many years of service and have grown grey in the service of Government. It is admitted that many officers are undermanned, especially offices in South Kanara. These clerks may therefore be employed in those offices. Such a course would not only help these poor people, but would relieve the congestion of work in those offices. I hope the Hon. Minister will consider this suggestion and do his best to employ these hands who will have to be discharged and relieve the congestion in those offices which are undermanned at present. In some districts, especially in South Kanara, there is a great difficulty on account of the small number of registration offices. This difficulty was pointed out last year also, but the Hon. Minister said that for want of funds the Government could not open more offices. Although they were opening 9 or 10 offices every year, they did not do so for the last two or three years on account of their retrenchment policy. I think it was Mr. Muthu Chettiyar who said last year that there were more registration offices in some districts and that some of them might be removed. Therefore, without incurring extra expenditure, the Government may transfer the offices which are found to be unnecessary in certain districts to other districts where there are not enough number of offices. For instance, in Malabar there are too many offices and they are working at a loss. Some of the offices in that district may be transferred to South Kanara where they are much needed.

“ Sir, the rate of fees for attendance at private residences was reduced from Rs. 15 to Rs. 10 some time ago. Very often gosha ladies are too poor and they find it difficult to pay this heavy fee. Even though they are poor they have to observe gosha, because custom forces them to do so. In the case of attendance even in the case of documents for small sums, they have to pay Rs. 10 as batta and the conveyance and other charges of the sub-registrar. In the case of immovable properties even documents of the value of Rs. 10 or even less have to be registered. In such cases, it is very hard if the party is asked to pay Rs. 10 for attendance fees alone, because that is all that the party might get out of the transaction. Therefore I request the Hon. Minister to see his way to remit altogether attendance fees in the case of documents for small sums and in the case of gosha ladies.”

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* Mr. M. DEVADASAN :—“ Mr. President, Sir, in supporting this motion, I should like to make a few observations. Sir, in some districts there are two District Registrars while in fact there is no necessity for two. In Tinnevely, for instance, there are two District Registrars, with their offices in the same town. The Registrars have to go on tours to distant corners of the district from the same place. This means that the Government are incurring much greater expenditure than they would otherwise have to. It is not necessary to have two District officers. By having one officer, the Government can save something.

“ With regard to the introduction of the system of photo-copying, I should say that it is quite unnecessary to have recourse to it at present. People who have experience in the Registration department have told me that this system would lead to greater expenditure. Again, Sir, I am told that copies made by this system may not last long. I am not an expert in photography, but we see some of the photos fading after a lapse of some years. As the same chemicals are used in the process of copying of these documents, I am told that these copies may not last long. Of course, the Hon. Minister may hold a different view, but the experience I have had and the information I have been able to gather from people who have a knowledge of the system, go to show that this system will be expensive and the copies may not last long. Moreover, Sir, the introduction of this system would result in throwing out of employment many men who have been in service for a long time.

“ I shall now refer to another point connected with the working of this department. In the past when there was a rush of work in particular seasons of the year, the Government appointed additional staff to cope with it. In the months of April, May and June, there was heavy work and additional clerks were appointed to help the sub-registrars, but now they have abandoned that practice with the result that much inconvenience and discomfort is caused to persons who come from seven or eight miles away to these registration offices. I submit to the Hon. Minister that the Government should appoint additional staff to cope with the rush of work during particular seasons of the year in particular areas. People who have had inner knowledge of the working of this department have told me that there is need for additional clerks during heavy seasons and so I request the Government to consider this fact and do the needful in the matter.”

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p.m.

“ I have also given notice of another cut motion to discuss the question of appointments. I put some interpellations before the discussion on the Madras Services Commission report and I got an endorsement that the Hon. the Minister had replied to them. In last February some men were chosen for the posts of sub-registrars. Though they have been selected, they have not been appointed. They have been waiting for a long time for orders of appointment from the Government but they have not yet received any orders. By the time they are appointed, some of them may become age-barred. I do not know what the Government are going to do in such cases. It will be a great hardship to them if they are told that

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they have exceeded the age-limit, after keeping them in suspense for a long time. The administration of this department is not satisfactory at all. With these few words I support the cut motion."

Mr. K. A. NACHIAPPA GOUNDER:—"Sir, I should like to say a few words in connexion with the cut motions I have given notice of under this Demand. First of all I must express my gladness, that, in spite of the general depression everywhere, this department has been working at a little gain though not to the extent of Rs. 6 lakhs or Rs. 7 lakhs as it used to do in the previous years. The Government should consider whether it is possible to reduce the expenditure still more by reducing the number of District Registrars and making some savings in that respect.

"Coming to the points which I wanted to raise specifically, I find there is often a lot of delay in granting encumbrance certificates and copies of other documents. This sort of delay causes a lot of inconvenience to the public and especially to those who have to file these things in the courts. I am glad that our Inspector-General exerts his best to see that these defects found in his department are remedied, but still I must say that there is still room for complaints which deserves his notice. I hope in due course he will be able to put down these defects with an iron hand as he is capable of and keep the department in a perfectly good condition.

"Sir, I desire to place the hard lot of the temporary clerks employed in this department and I would like to observe about the difficulties they are labouring under. I believe, Sir, that this department has good many temporary clerks working day and night under it. If the Government do not encourage these poor clerks with some privileges, it will be a great hardship to them. I know a particular instance in my district where an individual was compelled to occupy a temporary post though he was a senior man because he having known Telugu was wanted for a Telugu office where only a temporary vacancy existed. Since he was fixed to that office, in spite of seniority, his juniors got acting chances in other places and this man was forced to addict himself to that temporary post for a long time. At last after a long time when he got acting chance in the usual course, the service he had put in as a temporary clerk was not taken into consideration and his place drifted from a senior one to a junior one and a number of his juniors now hold higher ranks than him for confirmation, because of the want of recognition of the services in a temporary post. Since this department has a large number of temporary posts under it and as these posts continue to exist year after year, I think it is highly necessary that as a special case the temporary service put in by the clerks of this department should be taken into account and given due consideration in the matter of pension and other privileges. I understand that these temporary clerks suffer untold miseries by working a few days in one office, the next few days in another and thus go on shifting from office to office and I think these poor persons spend a greater portion of their wages in travelling from place to place. In spite of their trouble and

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sufferings, I believe, they are not enjoying even the ordinary privileges such as leave, etc. After all these temporary posts continue year after year and the services of these clerks, are found necessary. So, Sir, I ask whether it is too much if I say that they should be given the same privileges as are given to acting and permanent clerks. I would appeal to the Hon. the Minister to see that due consideration is given to these poor set of clerks holding temporary posts who in the long run expect to be made permanent and that they are not deprived of the benefit for the faithful service they have rendered to the department as temporary clerks.

“ With regard to charges for attendance of sub-registrars at the private residence of parties, I would request the Hon. Minister to consider whether it is not possible to reduce the rate that is prevailing now. If this is done, I am sure there will be a larger number of applications for taking the sub-registrar to private residences of parties and it will very well compensate the loss incurred by such reduction. So I request the Hon. Minister to consider this matter also and come to a favourable decision.”

* Mr. M. S. SRESHTA :—“ Sir, I propose to deal with only a few points as there are a large number of speakers. In the first instance I wish to refer to the question of recruitment to the post of the head of the department itself. I do not want to cast any reflection on the present head of the department. He has been a great success and he will, I hope, in due time take up the higher post of a Collector or a Member of the Board of Revenue. But I would earnestly plead for the safeguarding of the interests of the officers of the department. It seems rather a hard lot that members of the Registration Department have no opportunity of rising to the chief appointment in the department, as members of the Madras Civil Services or persons outside become heads of the department. I think on principle this is not quite sound. It is but fair that at least one post should be allowed to the members of the department who have passed the same examinations as the members of the Madras Civil Service and who have no chances of being transferred to the Revenue side. I trust that this matter will be very carefully considered and at the next earliest opportunity the injustice which has been done to the department will be corrected.

“ The next point I would urge is as regards the appointment of probationary sub-registrars. Several applications were called for and the candidates took the trouble of appearing before the Madras Services Commission, but the orders of appointment have not yet been received by them. We do not exactly know what the reasons are for the appointments not being made. I trust the matter would be expedited and that the persons who have been put in suspense for a long period will be told whether they are wanted or not.

“ Then the question arises of promotions from the posts of clerks to probationary sub-registrars. A certain number of appointments have been reserved for clerks to be promoted. As regards this matter I spoke last time also. I said that promotion should be according to qualified

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seniority. That is to say, each time a vacancy occurs you must not find out the most efficient man in the service, and give him the appointment. That will be a very difficult job, especially as clerks are scattered in different districts and recommendations and reports will be received from different Registrars. It is also very difficult to find out who is the most efficient man. The Inspector-General personally does not know every man to say who is the most efficient man. I would say that the appointment should be made this way; the senior man should be appointed unless there is anything against him or unless he is not efficient. If there is some entry in the personal record against any man, it should not be taken into consideration unless that remark has been shown to the officer and unless that officer has had an opportunity of explaining the remarks against him. With these reservations I think the appointment should be given to the most senior man. I do not know how the appointments are now made. I believe that men who have passed the B.A., or similar examination or are recommended highly by Registrars are appointed. That, I think, is not the proper procedure. As regards men with academic qualifications, I think there is opportunity of fresh blood coming into the service by the appointment of probationary sub-registrars by direct recruitment. The percentage allowed by the Government for clerks should be reserved for senior men.

“ Then I should refer to the question of the photo-copying system. Some hon. Members have spoken against it. I myself do not know anything about it. But I rather think that any system of that kind should not be discredited straightaway, because some clerks would be thrown out of employment. If the system is good, it ought to be introduced in the interests of the service and in the larger interests of the public. But at the same time I think any person who is found unnecessary by reason of the introduction of this system should not be turned out of employment. Every attempt should be made to retain him; some appointment should be given to him either in this department or elsewhere. I trust that every endeavour will be made to appoint people who are thrown out of employment by this system. They may be thrown out of employment not because of the introduction of this system but for other reasons. I believe that a large number of clerks in Malabar were thrown out of employment because there are too many Malabar people in the service. Once a man is appointed, I think that security of service should be given to him by the Government and the department. He should be sent away only if he is not fit. At the outset very careful selection should be made; once the selection has been made, the man should not be turned out. I trust that no one will be turned out of employment on account of the photo-copying system or for any other reason.

“ Then I come to the question of the number of sub-registrars in the South Kanara district. As has been very often pointed out, there are very few Registrars in this district, in comparison with other districts. Compared with the district of Malabar, South Kanara has very few Registrars. The ratio is one-fifth or one-sixth. There ought to be more men in South

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Kanara than in other districts because of the lack of good communications. I trust that this point of lack of communications will be carefully considered and that more Registrars will be appointed. It has been stated that in many offices of the Registration department, the work turned out is not very reliable. The reason for this is there are very few men to cope with the enormous amount of work. The staff should be considerably increased in South Kanara; if that is done there will not be any sweating in this department. I hope that early steps will be taken to increase the number of sub-registry offices in the South Kanara district."

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B. POCKER SAHIB Bahadur:—"Mr. President, Sir, the question of photo-copying of documents is one of direct concern to my district at present. I do not know whether the Government have already come to a decision in the matter or whether they are still considering it. From what I understood, I am afraid the Government have come to some conclusion on the question of introducing this photo-copy system in Malabar. On this question, I would like to know from the Hon. the Minister what the purpose is that underlies this proposal. Is it merely for the fancy of it? I believe not. Or is it with a view to retrench expenditure in the Registration department? Or is it with a view to having greater efficacy, i.e., with a view to produce copies which will last for a longer time than the ordinary copies? Or will the copies taken by photography be more legible than the written copies? What is the principle on which this system has been introduced, I should like to know. I am not an expert in photography; I do not know the principles involved; but speaking as a layman, I must say that I have seen many photographs which, on account of old age, have faded and are not now worth being called photographs. Copies of documents registered are expected to last for a long time; and if this photo-copy system does not ensure such long life to the documents, then the Government ought not to adopt that system. Even as regards legibility, I want to know whether the Government have tried any experiment, before coming to a conclusion. So far as I know, the photo copies that I have come across so far are not at all attractive from the point of view of legibility. How far these copies will last is a matter which can be settled only after the lapse of a good deal of time. Judging from my own experience, I am afraid these photo copies will not last even as long as the written copies; provided the paper is sufficiently strong, written documents will last even for a century. I do not also know whether the Government took any expert opinion before coming to a decision on the matter. Merely because it has been introduced in some Province, merely for the fancy of it or even merely to effect retrenchment, it ought not to be introduced and I would strongly deprecate the decision of Government if it is based on any of these considerations. If, however, from the point of view of efficacy it has been found that it is much better than written documents, the experiment is really worth while continuing. If, as I understand, it has been introduced as an experiment, then it should not be tried in district after district. Experiments must be limited to a particular area, and the results must be ascertained before extending them to other parts. It was first introduced in some area, and I want to know

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what results were obtained which the Government took into consideration before extending the experiment to my district. If the results showed that there was greater efficacy, then it should be introduced throughout the Presidency. No doubt there may be difficulties in introducing the system in all the districts at the same time, in the way of creating unemployment for the men in service. But my point is, when the experiment has already been introduced in one district, why should you now say 'we are trying the experiment in Malabar'? I certainly protest against the experiment being tried in Malabar or in any other district unless and until the Government come to the conclusion that the experiment has been found to be a success. Before such a decision is come to, we cannot subject ourselves to any such 'experiment.' I would ask the Hon. the Minister whether he consulted legal opinion as to how far the copy produced by this system of photography will be secondary evidence under the Evidence Act. This is an important point. So far as I know, this question does not seem to have been raised up to now; but it is for the Government now to consult legal opinion on this point, as to whether these photo copies can be considered as secondary evidence under the Evidence Act.

"Now, Sir, so far as Malabar is concerned, I understand that consequent on the introduction of this system, about 104 clerks have been thrown out of employment. I am assured that the head of the department has been trying his very best to provide for these persons by absorbing them in the department itself through transfer to other districts or by other means. I am thankful for the sincere efforts that are being made by the head of the department. I would request him to see that every one of them is provided for.

"There is one other question which I should like to refer to; that is, the selection of the reserve sub-registrars. I would request the Government to look upon the candidates who seek employment under Government as gentlemen with some self-respect who are very anxious about their career. When the Public Services Commission issues a notification that so many sub-registrars are going to be selected by such and such a date, many apply for the posts, undergoing a lot of trouble and misery; as a matter of fact, I know that in many cases the candidates have had to sell the ear-rings of their mothers in order to find the necessary money for applying for these posts. They are also made to undergo a *viva voce* examination at the hands of the Commission, and after undergoing all this ordeal, expenditure and misery, so far as the result is concerned, it looks like a stone thrown into a well; and we hear nothing more about the affair. I ask the Government whether they consider these people as serious persons at all. Should they not have some feeling or consideration as to the security of the career of these people? Their whole career depends on their selection, and if at least they are told that they are not selected, they will look for other employment or they will pursue higher studies and take to other walks of life. They are not even told that. A question may be asked as to why after their appearing before the Commission, these candidates should not seek other employment, or why

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should they not pursue higher studies? But I say, having undergone all this trouble, are they not entitled to wait for the result? They have to wait for the result not for months but for years. Sir, the selection for these posts was made very long ago; and yet in the last Public Services Commission Report circulated to us the other day, I found only a few dots placed against the column showing the final results. I want to know what the Government or the Commission has done in this matter. It is all a mystery so far as the public is concerned. This Member or that Member may know what has happened in the case of any particular candidate; but the people are entitled to know what the fate of these men is. I would therefore request the Government to be more prompt in such matters, taking into consideration the enormous trouble and misery to which the candidates are put.

“ The next question I want to refer to is that of communal representation. It was only two or three years ago that the Hon. Minister in this Council made a promise that he would consider the claims of each and every community. So far as the Mussalmans are concerned, I am glad to say that the head of the department and the Hon. the Minister have been making sincere attempts towards that end, and I am thankful to them for the same. But I must confess, Sir, on behalf of the community that I represent, that judging from the results achieved, their attempts do not seem to have had any effect. Going through the statement supplied to us recently, I find that in 1933, out of 621 non-gazetted officers on Rs. 100 and above, there were only 40 Mussalmans. In 1932, 40 number was 39, and in 1931 it was 36. Even the present number, forty, does not give them their due representation. Taking my own district, North and South Malabar, in North Malabar alone, in 1932, out of 165 officers on Rs. 35 and above but below Rs. 100, there were only 8 Mussalmans and the same number continued in 1933. In South Malabar also, out of 202 such officers, in 1932 there were only 8 Mussalmans and in 1933, there was the same number.

4-45
p.m. “ Among the non-gazetted officers of less than Rs. 35, I find that in North Malabar out of 83 there were only three Muslims in 1932 and the same number continues. In South Malabar out of 86 such officers there are only three. I am really thankful for the sincere attempt that the head of the department and the Hon. the Minister have been making to give due effect to the claims of the Muslims. But I am afraid the result achieved is very poor and I would earnestly request them to see that their good intentions are translated into action. I would in this connexion impress upon the Hon. the Minister that Mappillas form a very considerable portion of the population of Malabar and that there are a very large number of educated young men. They are progressing in education and I am afraid if the Government do not take a sympathetic view there will be an army of educated unemployed in the near future and they will offer a problem for the Government to deal with. No doubt they have to deal with the question of illiterate Mappillas, who had given them trouble some years ago; but hereafter if they do not provide for employment to educated Mappillas, they

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will have to deal with an army of unemployed educated Mappillas. I hope that the Government will look into this question sympathetically and see that justice is done to them.

“Now, Sir, before I sit down I would like to mention one word about the office of the Inspector-General of Registration. There has not been in the whole history of this office a single Muhammadan appointed to it. Some years back there was a Muslim who had every right to get the appointment; but his claims were overlooked. I appeal to the Government to give due consideration to the claims of the Muslim community to hold that office, when next it falls vacant.”

* Rao Sahib V. I. MUNISWAMI PILLAI:—“Mr. Chairman, Sir, I would like to bring to the notice of the Government, first of all, the paucity of Depressed Class representation in the services. Unfortunately the selection to the Registrar's cadre and also of the subordinate staff is now entrusted to the Madras Services Commission. But if one goes through the figures, it is apparent that the quota of the Depressed Classes either on the population basis or on the literacy basis is not enough. I would like the Hon. the Minister to consider some means whereby we can get better representation.

“Speaking from a co-operative point of view, a few concessions that are now enjoyed by the Co-operative department at the hands of the Registration department cannot at all be considered as concessions. When a society wants to take an encumbrance certificate they are given at half fee concession. But if there is delay by the Co-operative department either for executing the decree or bringing the property for sale, the society is asked to produce another encumbrance certificate and then too a half fee has to be paid. The Co-operative department is not at all benefited by the Registration department. I think the Hon. the Minister who is in a happy position of having both of these departments in his charge I request him to do something for the Co-operative department. If the Hon. the Minister thinks that the Government would have to lose heavily in giving concession to the co-operative societies I would at least appeal to him that he may consider the position and the status of Depressed Classes Society both in the city and mufassal. Going into the records of the Co-operative department one finds that there has been a fall in co-operative societies belonging to the Depressed Classes. As such I would request him to give what all concessions he can possibly give to the Depressed Classes Societies.”

* Mr. G. R. PREMAYYA:—“Mr. Chairman, Sir, a paper has just been handed over to me. I should say I am much surprised to see that children of the clerks, who are in this department, cannot recognize their fathers. The clerks go to the office early in the morning before their children rise up from their beds and return home late at night after the children have gone to bed. This is a grave grievance, which means very heavy work. I think the head of the department has children and he can very well sympathize with the children as well as the fathers.”

[Mr. G. R. Premayya]

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“ Another point, Sir, the Christians get their marriages registered and extracts are sent to this department for being filed. If after some time the certificates are required, they cannot be traced. No one knows where the certificates are. They are not in the department. May be they are somewhere in the Bay of Bengal. I wish the Hon. the Minister to see that they are properly filed and are kept ready for reference at any time.”

Mr. BASHEER AHMED SAYEED:—“ Mr. Chairman, Sir, if I rise to speak on this motion, it is with a view to place one important aspect of the communal Government Order. The communal Government Order was first introduced in this department and the idea then expressed was that communal injustice and inequality should be removed as early as possible. It is five or six years since the Government Order has been in operation but the result has been very discouraging. I do not blame the Inspector-General of Registration or the Hon. the Minister in charge; but my only quarrel is with the very principle involved in the communal Government Order. No doubt very many people thought that so far as minority communities were concerned, injustice would be redressed by the Government Order. The principle of communal rotation has taken away what was given by the communal Government Order. The communal Government Order or any other Government Order which is intended for the levelling up of representation of minority communities should be worked in the same spirit as it was worked in the Punjab where the representation of various communities was brought up to the legitimate level to which each community was entitled. Now in Madras, in the name of the communal Government Order and in the name of doing so many things for the minority communities nothing substantial has been done to those communities. To-day in the Registration department, the representation of minority communities remains what it was some years ago. No progress—rather no substantial progress—seems to have been made in the direction. I would therefore urge upon the Government and the Ministry which has been originally responsible for this Government Order to amend the existing Government Order and also to put more spirit and sympathy in the actual working of this Government Order. The principle is really working havoc. It does not serve the purpose for which the Government Order was issued. The sooner this principle of rotation goes out, the better it will be for the minority communities. The principle of rotation requires several other precedent conditions and those conditions very rarely exist and even if they exist, the interests of the minorities are not served at all. In fact, what should be done would be not that we should apply the principle of rotation, but that whenever a vacancy arises, it should be filled up by appointment from those communities which are not represented or which are under-represented. Then only the grievances of the minorities will be redressed. Communal principle, namely, equal justice and equal opportunities to all, is not served if you say that out of 12 vacancies arising, however less represented a minority community may be, only one or two should go to a minority community. I would therefore urge that there is justice, there is

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reason behind the demand that the principle of rotation should not be kept in the communal Government Order. The principle of rotation must go and until the time when the minority communities get their due share of representation in the various offices, not only in the Registration department, but even in other offices, this rotation should be kept in abeyance. This principle will be helpful, will be reasonable and successful only when it is a question of division of offices amongst communities which are already properly represented and not for getting proper representation for unrepresented communities. Therefore, I would suggest that the rules of rotation may be suspended so far as the Muslims and other minorities are concerned. It calls for a revision. We shall strictly adhere to the principle of increasing the representation of Muslims, Depressed Classes and other minority communities to a reasonable proportion. Till that is done, we shall not be satisfied with 2 out of 12 and that too in the second and ninth ranks. This rotation has worked very perniciously against the interests of the minority communities. I want that that should be abolished as early as possible.

“There is another point I should like to advert to and that is the Statutory Rules and the qualifications that have been prescribed with regard to appointments and promotions. There are servants in the Registration department and other departments wherein people have entered with great hopes without any impediment in those days when they were appointed and confirmed. They were looking forward to their usual promotions and by the issue of the Statutory Rules fresh qualifications were prescribed. As for the Statutory Rules themselves, they have been issued under the orders of Government issued from time to time. In themselves they are so unintelligible to common people and the Government servants themselves do not understand what exactly the scope is of these rules. I wish these rules were simplified by the Chief Secretariat who are responsible for their issue. The question of their interpretation is always complicated and the problem difficult. That apart, Sir, the orders and the Statutory Rules themselves have imposed disabilities on people who are already in service.”

The House adjourned to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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APPENDIX.

[Vide answer to question No. 772 asked by S. M. K. Beyabani Sahib Bahadur at the meeting of the Legislative Council held on the 12th March 1934, page 94 supra.]

Statement showing the number of beds in the various sections of the Government Indian Medical School Hospital and the number of patients admitted, cured and discharged during each month in 1933.

Year and month.		Section and number of beds.								
		Ayurveda—25 beds.			Siddha—15 beds.			Unani—15 beds.		
		Admissions.	Cured.	Discharged (including number cured).	Admissions.	Cured.	Discharged (including number cured).	Admissions.	Cured.	Discharged (including number cured).
(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1933—										
January	.. ..	70	30	57	23	3	11	35	8	20
February	.. ..	37	21	44	31	13	30	22	8	23
March ..	.. ..	48	24	49	15	4	17	28	10	29
April ..	.. ..	53	18	45	24	8	20	21	10	23
May ..	.. ..	55	20	56	31	6	19	29	13	25
June ..	.. ..	47	15	41	19	15	32	36	17	34
July ..	.. ..	57	23	59	21	7	17	33	15	39
August	.. ..	43	18	42	25	3	21	32	10	26
September	.. ..	47	14	34	22	9	27	29	12	26
October	.. ..	72	20	59	25	13	26	26	6	25
November	.. ..	48	21	57	28	12	28	28	13	34
December	.. ..	44	13	37	33	10	24	39	12	41
Totals from January to December 1933.		621	237	580	297	103	272	358	134	345